



TOWN OF FRONT ROYAL, VIRGINIA TOWN COUNCIL MEETING
Monday, June 27, 2016 @ 7:00pm
Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of June 13, 2016
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
***Report from EDA – Executive Director Jennifer McDonald**
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS** –
 - A. COUNCIL APPROVAL – Proclamation – Independent’s Week
 - B. COUNCIL APPROVAL – Budget Amendment to Accept Donations for Gazebo Flicks
 - C. COUNCIL APPROVAL – Budget Amendment to Accept Grant -- VTC- DRIVE Tourism
 - D. COUNCIL APPROVAL – Resolution Designating a FOIA Officer
 - E. COUNCIL APPROVAL – Bid for Chemicals Used at Water Treatment Plant
 - F. COUNCIL APPROVAL – Bid for Chemicals Used at Waste Water Treatment Plant
 - G. COUNCIL APPROVAL – Bid for Bio-solids Disposal Services for Waste Water Plant
 - H. COUNCIL APPROVAL – Bid for Various Grades of Stone
 - I. COUNCIL APPROVAL – Bid for Various Grades of Asphalt
 - J. COUNCIL APPROVAL – Anti-Litter Signs
 - K. COUNCIL APPROVAL – Employee Handbook Revision – Work-Related Injury Policy
 - L. COUNCIL APPROVAL – Purchase of Welcome Banner
 - M. COUNCIL APPROVAL – Resolution of Support for One-Way Travel on Massie Street
 - N. COUNCIL APPROVAL – Bid for Paving and Milling
8. **PUBLIC HEARING TO RECEIVE PUBLIC INPUT** – Pertaining to the Installation of Security Cameras at the Town Gazebo Area located at Chester Street and Main Street.
9. **COUNCIL APPROVAL** – Ordinance Amendment-Adopt by Ref. of Vehicular Laws (*2nd R*)
10. **COUNCIL APPROVAL** – Ordinance Amendment for Licensing of Vehicles (*2nd Reading*)
11. **COUNCIL APPROVAL** – Ordinance Amendment to Establish Fee - Accident Reports (*2nd R*)
12. **COUNCIL APPROVAL** – Ordinance Amendment -Delinquent Tax Lists/Mailing of Bills (*2nd R*)
13. **COUNCIL APPROVAL** – Lease Agreement for Propane Gas Tanks along 501 E Main Street
14. **COUNCIL APPROVAL** – Annual Appropriation Ordinance for FY2016-2017 Budget (*2nd Read*)

7A



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(A)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Proclamation for *“Independent’s Week”*

Summary: Council has received a request from the Front Royal Independent Business Alliance (FRIBA) seeking approval of a Proclamation proclaiming July 1 – 7, 2016 as *“Independent’s Week”* in the Town of Front Royal.

Budget/Funding: None

Attachments: Proclamation

Meetings: None

Staff Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Proclamation proclaiming July 1 – 7, 2016 as *“Independent’s Week”* in the Town of Front Royal, as presented.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB

~PROCLAMATION~

INDEPENDENTS WEEK

WHEREAS, Independents Week provides a time to celebrate the independence of the member of the community of the Town of Front Royal, Virginia and the entrepreneurial spirit represented by our core of local independent businesses; and

WHEREAS, the individual decisions every community member makes today affect the future of the Town of Front Royal; and

WHEREAS, Front Royal's local independent businesses help preserve the uniqueness of the community and give us a sense of place; and

WHEREAS, Front Royal's core of independently-owned businesses give back to this community in goods, services, time and talent; and

WHEREAS, the health of Front Royal's economy depends on our support of businesses owned by our friends and neighbors; and

WHEREAS, Front Royal's independent business owners and employees enrich community members' shopping experiences with their knowledge & passion; and,

WHEREAS, as we celebrate Independents Week 2016, we acknowledge that the ability to choose the direction of Front Royal lies within each of us; and,

NOW, THEREFORE, I, Timothy Darr, Mayor of the Town of Front Royal, do hereby proclaim the week of July 1-7 2016, as: "Independents Week" and salute our community members and locally owned independent businesses who are integral to the unique flavor of Front Royal and honor their efforts to make the Town of Front Royal the place we want to live and work.

IN WITNESS WHEREOF, I hereunto set my hand and cause the seal of the Town of Front Royal, Virginia to be affixed this _____ day of _____, 2016

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

7B



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(B)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Budget Amendment to Accept Donations for Gazebo Flicks

Summary: Council is requested to approve a budget amendment in the amount of \$2,825.00 to accept donations from various sponsors for the Gazebo Flicks being held at the Gazebo located at Main and Chester Streets every Thursday evening from June 9 – August 11, 2016.

Budget/Funding: 1201-5428 Community Relations [Expense]
1000-3189913 Donations [Revenue]

Attachments: None

Meetings: None

Staff Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a budget amendment in the amount of \$2,825.00 to accept donations from various sponsors for the Gazebo Flicks being held at the Gazebo located at Main and Chester Streets every Thursday evening from June 9 – August 11, 2016.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB

7C



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(C)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Budget Amendment to Accept Grant from Virginia Tourism Corporation (VTC) - DRIVE Tourism

Summary: Council is requested to approve a budget amendment in the amount of \$10,000.00 to accept grant monies from the Virginia Tourism Corporation (VTC) - DRIVE Tourism Program. The funds are to be used for improvements to the Wayfinding Sign in the Town of Front Royal and Warren County.

Budget/Funding: Revenue – 1000-3310010 [General Fund – General Grant Proceeds]
Expense – 1205-43040 [Office of Tourism – Drive Tourism]

Attachments: None

Meetings: None

Staff Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a budget amendment in the amount of \$10,000.00 to accept grant monies from the Virginia Tourism Corporation (VTC) - DRIVE Tourism Program to be used for improvements to the Wayfinding Signs in the Town of Front Royal and Warren County.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB

7D



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(D)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Resolution to Designate a FOIA Officer

Summary: Effective July 1, 2016, legislation passed (HB 818) that requires counties, cities and those towns with a population of more than 250 to designate and identify a local (Freedom of Information) FOIA Officer and to provide FOIA information on their websites. Council is requested to approve a Resolution designating the Town Manager as the Town of Front Royal's FOIA Officer and to direct the Town Manager to add FOIA information to the Town's Website by July 1, 2016 as required by legislation.

Budget/Funding: None

Attachments: Resolution and Policy

Meetings: None

Staff Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move the Town Council approve a Resolution designating the Town Manager as the Town of Front Royal's FOIA Officer. I further move that Council direct the Town Manager to add FOIA information to the Town of Front Royal's website by July 1, 2016 as required by legislation.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB



Town of Front Royal, Virginia



RESOLUTION
DESIGNATION OF FOIA OFFICER

WHEREAS, the Commonwealth of Virginia adopted HB 818 that requires each county, city, and Town to designate and identify a local FOIA officer and to provide information on the website on FOIA on the Town's homepage; and,

WHEREAS, the person designated as the FOIA Officer have specific knowledge of the provisions of FOIA and must be trained annually either by the Town Attorney or by the FOIA Advisory Council;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby designate the Town Manager as the FOIA Officer for the Town of Front Royal and hereby direct staff to add the Town's FOIA Policy to the Town's website.

Adopted this 27th day of June, 2016

APPROVED:

Timothy W. Darr, Mayor

Attest:

Jennifer E. Berry, CMC, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council on _____ 2016, upon the following recorded vote:

Table with 4 columns: Name, Yes/No, Name, Yes/No. Rows include Hollis L. Tharpe, Eugene R. Tewalt, John P. Connolly, Bret W. Hrbek, Bébhinn C. Egger, and Jacob L. Meza.

Approved as to Form and Legality:

Douglas W. Napier, Esq., Town Attorney

Date

Rights & Responsibilities:

The Rights of Requesters and the Responsibilities of the Town of Front Royal under the Virginia Freedom of Information Act

The Virginia Freedom of Information Act (FOIA), located § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

A public record is any writing or recording -- regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format -- that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

The policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

Your FOIA Rights

- You have the right to request to inspect **or** receive copies of public records (unless specific exemptions are provided by law), or both.
- You have the right to request that any charges for the requested records be estimated in advance.
- If you believe that your FOIA rights have been violated, you may file a petition in district or circuit court to compel compliance with FOIA. Alternatively, you may contact the FOIA Council for a nonbinding advisory opinion.

Making a Request for records from the Town

- You may request records by U.S. Mail, fax, e-mail, in person, or over the phone. FOIA does not require that your request be in writing, nor do you need to specifically state that you are requesting records under FOIA.
 - From a practical perspective, it is helpful to both you and the person receiving your request to put your request in writing. This allows you to create a record of your request. It also gives us a clear statement of what records you are requesting, so that there is no misunderstanding over a verbal request. However, we cannot refuse to respond to your FOIA request if you elect to not put it in writing.

- Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records that you are requesting; instead, it requires that you be specific enough so that we can identify and locate the records that you are seeking.
- Your request must ask for existing records or documents. FOIA gives you a right to inspect or copy records; it does not apply to a situation where you are asking general questions about the work of the Town, nor does it require the Town to create a record that does not exist.
- You may choose to receive electronic records in any format used by the Town in the regular course of business.
 - For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically, via e-mail or on a computer disk, or to receive a printed copy of those records
- If we have questions about your request, please cooperate with staff's efforts to clarify the type of records that you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss your request with you to ensure that we understand what records you are seeking.

To request records from the Town, you may direct your request to the Town Manager. The Town Manager can be reached at **Steven Burke, PE, 102 East Main Street, PO Box 1560, (540) 635-8007 (O), (540) 636-7475 (F), sburke@frontroyalva.com**. You may also contact him with questions you have concerning requesting records from the Town. If you are unsure whether the Town has the record(s) you seek, please contact Town Manager directly. In addition, the Freedom of Information Advisory Council is available to answer any questions you may have about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov, or by phone at (804) 225-3056 or [toll free] 1-866-448-4100.

The Town's Responsibilities in Responding to Your Request

- The Town must respond to your request within five working days of receiving it. "Day One" is considered the day after your request is received. The five-day period does not include weekends or holidays.
- The reason behind your request for public records from the Town is irrelevant, and you do not have to state why you want the records before we respond to your request. FOIA does, however, allow the Town to require you to provide your name and legal address in the Commonwealth of Virginia.

- FOIA requires that the Town make one of the following responses to your request within the five-day time period:
 - 1) We provide you with the records that you have requested in their entirety.
 - 2) We withhold all of the records that you have requested, because all of the records are subject to a specific statutory exemption. If all of the records are being withheld, we must send you a response in writing. That writing must identify the volume and subject matter of the records being withheld, and state the specific section of the Code of Virginia that allows us to withhold the records.
 - 3) We provide some of the records that you have requested, but withhold other records. We cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, we may redact the portion of the record that may be withheld, and must provide you with the remainder of the record. We must provide you with a written response stating the specific section of the Code of Virginia that allows portions of the requested records to be withheld.
 - 4) We inform you in writing that the requested records cannot be found or do not exist (we do not have the records you want). However, if we know that another public body has the requested records, we must include contact information for the other public body in our response to you.
 - 5) If it is practically impossible for the Town to respond to your request within the five-day period, we must state this in writing, explaining the conditions that make the response impossible. This will allow us seven additional working days to respond to your request, giving us a total of 12 working days to respond to your request.
- If you make a request for a very large number of records, and we feel that we cannot provide the records to you within 12 working days without disrupting our other organizational responsibilities, we may petition the court for additional time to respond to your request. However, FOIA requires that we make a reasonable effort to reach an agreement with you concerning the production of the records before we go to court to ask for more time.

Costs

- A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the

supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia.

- You may have to pay for the records that you request from the Town. FOIA allows us to charge for the actual costs of responding to FOIA requests. This would include items like staff time spent searching for the requested records, copying costs, or any other costs directly related to supplying the requested records. It cannot include general overhead costs.
- If we estimate that it will cost more than \$200 to respond to your request, we may require you to pay a deposit, not to exceed the amount of the estimate, before proceeding with your request. The five days that we have to respond to your request does not include the time between when we ask for a deposit and when you respond.
- You may request that we estimate in advance the charges for supplying the records that you have requested. This will allow you to know about any costs upfront, or give you the opportunity to modify your request in an attempt to lower the estimated costs.
- If you owe us money from a previous FOIA request that has remained unpaid for more than 30 days, the Town may require payment of the past-due bill before it will respond to your new FOIA request.

Commonly used exemptions

The Code of Virginia allows any public body to withhold certain records from public disclosure. The Town commonly withholds records subject to the following exemptions:

- Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))
- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))

Policy regarding the use of exemptions

State any written policy your agency may have regarding when statutory exemptions will be invoked to withhold records. For example:

- The general policy of the Town is to invoke the personnel records exemption in those instances where it applies in order to protect the privacy of employees and officials of the Town.
- The general policy of the Town is to invoke the contract negotiations exemption whenever it applies in order to protect The Town's bargaining position and negotiating strategy.

7E



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(E)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Bid for Chemicals Used at Water Treatment Plant

Summary: Council is requested to approve a bid for chemicals used at the Water Treatment Plant during FY17 from USALCO and UNIVAR USA in the amounts listed on the attached Quotation Tabulation.

Budget/Funding: Water Treatment FY17 budget line item 9601-45413 “Other Operating Supplies”

Attachments: Memo from Purchasing Agent and Quotation Tabulation

Meetings: None

Staff

Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve of a bid for chemicals used at the Water Treatment Plant during FY17 from USALCO and UNIVAR USA in the amounts listed on the attached Quotation Tabulation.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB



MEMORANDUM

Date: June 10, 2016
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent 
RE: Agenda Item

On Friday, June 10, 2016, I held a bid opening to set firm pricing during FY17 for chemicals used at the Water Treatment plant. I received three (3) responses (see attached tabulation sheet).

As we have no means of forecasting the quantities of these chemicals we will use during the year, the request is for estimated quantities. Due to the dollar amount the Town historically spends for these commodities, the award will need Town Council approval. Please add this to the June 27, 2016 agenda for their action.

Staff recommends awards as follows:

USALCO:

Polyaluminum hydroxychlorosulfate @ \$1.89/gallon

UNIVAR USA

Sodium Hypochlorite @ \$152.00/ton

Carbon @ \$1,500.00/ton

Sodium Fluoride @ \$1,880.00/ton

Potassium Permanganate @ \$5,460.00/ton

Sodium Permanganate @ \$583.00/drum

Sodium Chlorite @ \$498.33/drum

Hydrochloric Acid @ \$270.00/drum

Funding for these chemical will be available from the Water Treatment FY17 budget line item 9601-45413 "Other Operating Supplies".

TOWN OF FRONT ROYAL, VIRGINIA
Quotation Tabulation

ITEM: WATER TREATMENT CHEMICALS

Quotation # 22

Date: June 10, 2016

Mailed 5

Replied 3

Vendor Quotation

	USALCO	UNIVAR USA	KUEHNE CHEMICAL	
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
FIRM DELIVERED PRICE FOR THE PERIOD OF: JULY 1, 2016 - JUNE 30, 2017				
<u>ESTIMATED QUANTITIES</u>				
35,000 GALLONS - POLYALUMINUM HYDROXYCHLOROSULFATE	\$1.89/GAL	N/Q	N/Q	
270 TONS - SODIUM HYPOCHLORITE	N/Q	\$152.00/TON	\$220.00/TON	
5 TONS - CARBON (WATERCARB)	N/Q	\$1,500.00/TON	N/Q	
8 TONS - SODIUM FLUORIDE	N/Q	\$1,880.00/TON	N/Q	
6 TONS - POTASSIUM PERMANGANATE	N/A	\$5,460.00/TON	N/Q	
4 DRUMS - SODIUM PERMANGANATE	N/Q	\$583.00/DRUM	N/Q	
2 DRUMS - SODIUM CHLORITE	N/Q	\$498.33/DRUM	N/Q	
2 DRUMS - HYDROCHLORIC ACID	N/Q	\$270.00/DRUM	N/Q	
Total				
Discount				
Net Quotation				
Terms				

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness


Purchasing Agent

7E



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(E)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Bid for Chemicals used at Waste Water Treatment Plant

Summary: Council is requested to approve a bid from JCI Jones Chemical for 1 ton cylinders of chlorine at \$1,290.00 per ton and 1 ton cylinders of sulfur dioxide at \$1,600.00 per ton for use during FY17.

Budget/Funding: FY17 Wastewater Treatment budget line item 9801-45413 “Other Operating Supplies”

Attachments: Memo from Purchasing Agent and Quotation Tabulation Sheet

Meetings: None

Staff

Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a bid from JCI Jones Chemical for one ton cylinders of chlorine at \$1,290.00 per ton and one ton cylinders of sulfur dioxide at \$1,600.00 per ton for use during FY17.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB



MEMORANDUM

Date: June 10, 2016
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item

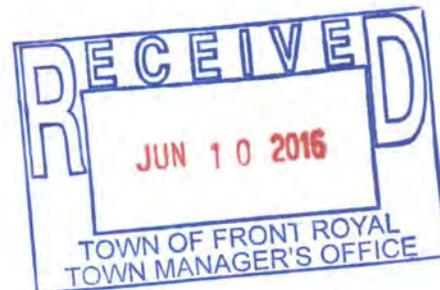
A handwritten signature in blue ink, appearing to be "Cindy", is written next to the "From:" field.

On Thursday, June 9, 2016, I held a bid opening to set firm pricing during FY17 for chemicals used at the Wastewater Treatment plant. Out of the five (5) vendors directly solicited, I received two (2) responses, (see attached tabulation sheet). The lowest quotation was submitted by JCI Jones Chemical, the same company that has provided these chemicals to the Town since 2006.

As we have no means of forecasting the quantities of these chemicals we will use during the year, the request is for estimated tonnage. Due to the dollar amount the Town historically spends for these commodities, the award will need Town Council approval. Please add this to the June 27, 2015 agenda for their action.

Staff recommends the award for wastewater treatment chemicals be made to JCI Jones Chemical for 1 ton cylinders of chlorine at \$1,290.00 per ton and 1 ton cylinders of sulfur dioxide at \$1,600.00 per ton.

Funding for these chemical will be available in the FY17 Wastewater Treatment budget line item 9801-45413 "Other Operating Supplies".



TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: WWTP CHEMICALS

Quotation #21

Date: June 9, 2016

Mailed: 5

Replied 2

UNIVAR - N/R
BRENNTAG - N/R
USALCO - N/R

Vendor Quotation

	JCI JONES CHEMICAL	KUEHNE CHEMICAL		
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
FIRM DELIVERED PRICE FOR THE PERIOD OF JULY 1, 2016 THROUGH JUNE 30, 2017.				
ESTIMATED QUANTITIES, 1-TON CYLINDERS				
(EST) 35 TONS - CHLORINE	\$1,290.00/TN	\$2,000.00/TN		
(EST) 30 TONS - SULFUR DIOXIDE	\$1,600.00/TN	N/Q		
TOTAL QUOTATION	\$ -	\$ -	\$ -	\$ -

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness


Purchasing Agent

7G



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(G)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Bid for Bio-solids Disposal Services for Waste Water Treatment Plant

Summary: Council is requested to approve a bid from Waste Management, Inc. for bio-solids disposal service for a one-year period, with the option of two (2) one year renewals with satisfactory performance; for the monthly container rental of \$150.00 per container; hauling fee at \$561.35 per haul; and disposal fee at \$59.23 per ton.

Budget/Funding: FY17 Wastewater Treatment budget line item 9801-43005 “Maintenance Service Contracts”.

Attachments: Memo from Purchasing Agent and Quotation Tabulation

Meetings: None

Staff Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council to approve a bid from Waste Management, Inc. for bio-solids disposal service for a one-year period, with the option of two (2) one year renewals with satisfactory performance; for the monthly container rental of \$150.00 per container; hauling fee at \$561.35 per haul; and disposal fee at \$59.23 per ton.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB



MEMORANDUM

Date: June 13, 2016
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent *Cindy*
RE: Agenda Item

On Thursday, June 9, 2016, I held a bid opening to obtain costs for Wastewater Treatment biosolids disposal services. I received one (1) response (see attached tabulation). Due to the dollar amount this service has historically cost, I will need Town Council approval of the award. Please add this item to the June 27, 2016 Council agenda for their action.

Please note that this company has been continually providing the Town this service since 2007. The Wastewater Treatment plant is very satisfied with the service they provide.

Staff recommends the award for biosolids disposal be made to Waste Management, Inc. for a one-year period, with the option of two (2) one year renewals with satisfactory performance.

The contract award will be based on unit prices quoted:

Monthly container rental @ \$150.00 per container

Hauling fee @ \$561.35 per haul

Disposal fee @ \$59.23 per ton

Funding for this service will be available in the FY17 Wastewater Treatment budget line item 9801-43005 "Maintenance Service Contracts".

TOWN OF FRONT ROYAL, VIRGINIA
Quotation Tabulation

ITEM: BIOSOLIDS DISPOSAL SERVICES

Quotation 19

Date: June 9, 2016

Mailed 2

Replied 1

ALLIED WASTE SERVICES - N/R

Vendor Quotation

QUANTITY	WASTE MANAGEMENT			
	QUOTATION	QUOTATION	QUOTATION	QUOTATION
PROVIDE ALL LABOR, EQUIPMENT, MATERIALS, ROLL-OFF CONTAINERS, TRUCKS AND DRIVERS FOR WASTE REMOVAL AND DISPOSAL FOR THE WASTEWATER TREATMENT PLANT				
MONTHLY CONTAINER RENTAL	\$150.00/PER CONTAINER			
HAULING FEE	\$561.35/PER HAUL			
DISPOSAL FEE	\$59.23/PER TON			
Total				
Discount				
Net Quotation				
Terms				

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness


Purchasing Agent

7H



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(H)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Bid for Various Grades of Stone

Summary: Council is requested to approve the bid from Essroc for various grades of stone for use during FY17, as listed on the attached quotation tabulation.

Budget/Funding: FY17 Department of Environmental Services Highway Maintenance budget line item 4500-45407, and Water and Sewer Maintenance budget line items 9602-45407 and 9802-45407.

Attachments: Memorandum from the Purchasing Agent and Quotation Tabulation

Meetings: None

Staff Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the bid from Essroc for various grades of stone for use during FY17, as listed on the attached quotation tabulation.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB



MEMORANDUM

Date: June 20, 2016
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent *Cindy*
RE: Agenda Item

On Monday, June 20, 2016, I held a bid opening to set firm pricing on various grades of stone for use during FY17. Out of three (3) direct solicitations, two responses were received (see attached tabulation sheet).

The Request for Quotations includes notification to the vendor that an overhead charge of \$5.50 per ton haul rate would be added to the base price of responses from quarries that are at a distance greater than 3 miles from Town limits. I have included that cost on the tabulation sheet.

As we have no means of forecasting the quantities of stone we will use during the year, the request is for estimated tonnage. Due to the dollar amount the Town historically spends for this commodity, the award will need Town Council approval. Please add this to the June 27, 2016 agenda for their action.

Staff recommends the award for stone purchases during FY17 be made to Essroc, located in Riverton, as listed below:

#26 crusher run @ \$9.92/ton

#68 stone @ \$10.96/ton

#8 stone @ \$9.50/ton

#21B stone @ \$10.15/ton

#57 stone @ \$10.63/ton

CBR-30 stone @ \$10.15/ton

#21A stone @ \$10.29/ton

Funding for the stone will be available in the FY17 Department of Environmental Services Highway Maintenance budget line item 4500-45407, and the Water and Sewer Maintenance budget line items 9602-45407 and 9802-45407.

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: STONE

Quotation #25

Date: JUNE 20, 2016

Mailed 3

Replied 2

NO RESPONSE

Vendor Quotation

STUART M. PERRY

	CARMEUSE NA	ESSROC		
	STRASBURG QUOTATION	RIVERTON QUOTATION	QUOTATION	QUOTATION
<p>QUANTITY</p> <p>FIRM PER TON PRICES: JULY 1, 2016 - JUNE 30, 2017</p> <p>ALL STONE MUST BE STATE APPROVED.</p> <p>(OVERHEAD CHARGE OF \$5.50 PER TON HAUL RATE FOR RESPONSES WITH A DISTANCE GREATER THAN 3 MILES FROM TOWN LIMITS)</p> <p><u>ESTIMATED TONNAGE:</u></p> <p>1000 TONS - #26 CRUSHER RUN (per ton with overhead)</p> <p>5000 TONS - #68 STONE (per ton with overhead)</p> <p>8000 TONS - #8 STONE (per ton with overhead)</p> <p>5000 TONS - #21B (per ton with overhead)</p> <p>600 TONS - #57 STONE (per ton with overhead)</p> <p>(NO EST.) - CBR-30 STONE (per ton with overhead)</p> <p>(NO EST.) - 21A STONE (PUGGED) (per ton with overhead)</p> <p>*NOT STATE APPROVED</p> <p>Total</p> <p>Discount</p> <p>Net Quotation</p> <p>Terms</p>	<p>(about 13 miles beyond limits)</p> <p>\$5.25 (\$10.75)</p> <p>\$8.00 (\$13.50)</p> <p>\$8.00 (\$13.50)</p> <p>\$6.50 (\$12.00)</p> <p>\$8.00 (\$13.50)</p> <p>\$6.25 (\$11.75)</p> <p>\$6.50 (\$12.00)</p>	<p>(within 3 miles of limits)</p> <p>\$9.92 (\$9.92)</p> <p>\$10.96 (\$10.96)</p> <p>\$9.50 (\$9.50)</p> <p>\$10.15 (\$10.15)</p> <p>\$10.63 (\$10.63)</p> <p>\$10.15 (\$10.15)</p> <p>\$10.29 (\$10.29)</p>		

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness


Purchasing Agent

71



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(I)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Bid for Various Grades of Asphalt

Summary: Council is requested to approve a bid from Stuart M. Perry, Inc. for various grades of asphalt through June 30, 2017 in the amount of \$62.55 per ton for base asphalt, \$63.55 per ton for intermediate asphalt and \$67.25 per ton for finish asphalt. The contract is for asphalt material only and picked up by Town trucks to be hauled to a job site. This is not a paving contract.

Budget/Funding: FY17 Department of Environmental Services Highway Maintenance budget line item 4500-45407 “Repair and Maintenance Supplies”

Attachments: Memorandum from the Purchasing Agent and Quotation Tabulation

Meetings: None

Staff Recommendation: Approval X Denial _____

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a bid from Stuart M. Perry, Inc. for various grades of asphalt through June 30, 2017 in the amount of \$62.55 per ton for base asphalt, \$63.55 per ton for intermediate asphalt and \$67.25 per ton for finish asphalt to be picked up by Town trucks and hauled to a job site.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB



MEMORANDUM

Date: June 20, 2016
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item

A handwritten signature in purple ink, appearing to be "Cindy Hartman", is written to the right of the "From:" line.

On Friday, June 17, 2016, I held a bid opening to obtain a firm price for various grades of asphalt through June 30, 2017. This contract will be for asphalt material only, picked up by Town trucks to be hauled to a job site. This is not a paving contract. Out of the ten (10) vendors directly solicited, I received three (3) responses (see attached tabulation sheet).

Due to the dollar amount we historically spend during the year for asphalt material, this award would need Town Council approval. Please add this item to the June 27, 2016 Council agenda, for their action.

Staff recommends the award for asphalt material to be hauled by Town trucks, as needed, be made to Stuart M. Perry, Inc., at a cost of \$62.55 per ton for base asphalt, \$63.55 per ton for intermediate asphalt, and \$67.25 per ton for finish asphalt. These are the same costs as last Fiscal Year's award, from the same company.

Funding for asphalt will be available in the FY17 Department of Environmental Services Highway Maintenance budget, line item 4500-45407, "Repair & Maintenance Supplies".

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: ASPHALT

Quotation #24

Date: JUNE 17, 2016

Mailed 10

Replied 3

NO RESPONSE:
 W-L CONSTRUCTION
 FINLEY ASPHALT
 BRANSCOME PAVING
 CARROLL CONSTRUCTION
 KICKIN ASPHALT
 RACEY PAVING
 APAC

Vendor Quotation

	STUART M. PERRY	SUPERIOR PAVING	LEWIN ASPHALT	
	Front Royal QUOTATION	Gainesville QUOTATION	Winchester QUOTATION	
QUANTITY FIRM ASPHALT PRICES FOR FY17 - HAULED BY TOWN TRUCKS OR CONTRACTED TO HAUL STANDARD "PATCH" MATERIAL FOR USE ON SECONDARY STREETS AND COLLECTOR/LOCAL STREETS NOT REQUIRING VDOT GRADE MATERIAL (OVERHEAD CHARGE OF \$37.78/HOUR ADDED TO BASE COST FOR QUOTES RECEIVED FROM VENDORS BEYOND TOWN LIMITS) BASE PRICE PER TON: BASE ASPHALT, TYPE BM-25.0 (PER TON WITH OVERHEAD)	(within Town limits - + \$0.00) \$62.55 (\$62.55)	(90 min - + \$56.67 to base) \$65.00 (\$121.67)	(64 min - + \$40.30 to base) \$56.00 (\$96.30)	
INTERMEDIATE ASPHALT, TYPE IM-19.0A (PER TON WITH OVERHEAD)	\$63.55 (+0.00)	\$65.00 (\$121.67)	\$56.00 (\$96.30)	
FINISH ASPHALT, TYPE SM-9.5A (PER TON WITH OVERHEAD)	\$67.25 (+\$0.00)	\$65.00 (\$121.67)	\$58.00 (+\$98.30)	
Total				
Discount				
Net Quotation				
Terms				

The above proposals verified to specifications and compliance with terms and conditions.

 Witness

 Witness


 Purchasing Agent

7J



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(j)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Anti-Litter Council Signs

Summary: Council is requested to approve the design and installation of anti-litter signs as presented and at the following locations:

- 1) Remount Road (Rt. 522) northbound.
on the east side of the road between the two existing Front Royal signs. (24" x 30")
- 2) John Marshall Highway (Rt. 55) westbound.
on the north side of the road near the intersection of Richmond Road. (18" x 24")
- 3) South Royal Avenue (Rt. 340) northbound.
on the light pole in front of Pioneer Motel. (18" x 24")
- 4) Happy Creek Road (Rt. 647) westbound.
on the north side of the road between LRP and Ewell Street. (18" x 24")
- 5) Strasburg Road (Rt. 55) eastbound.
on the south side of the road across from Heritage Hall. (24" x 30")
- 6) N. Shenandoah Avenue (Rt. 340/522/55) southbound.
on the light pole in front Enterprise Rental. (24" x 30")
- 7) LRP northbound and southbound (upon completion of road)
suggested location: TBD (24" x 30")

Budget/Funding: None

Attachments: Signage

Meetings: Work Sessions held June 6, and June 30, 2016

Staff

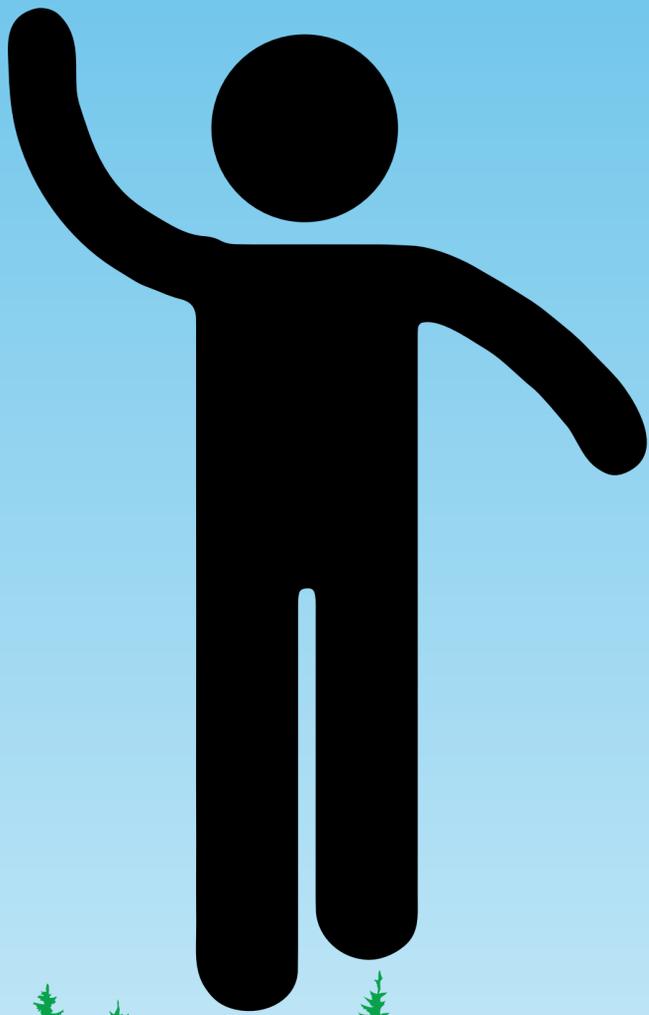
Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the design and installation of anti-litter signs as presented.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB



Front Royal
keep it
beautiful!



FRONT ROYAL / WARREN COUNTY
ANTI-LITTER COUNCIL

7K



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(K)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Employee Handbook Revision – Work-Related Injury and Illness Reporting Policy

Summary: The Occupational Safety and Health Administration (OSHA) recently published its Final Rule pertaining to workplace injuries and illnesses. It requires employers to develop injury and illness reporting requirements that meet certain criteria. Council is requested to approve the addition of the “Work-Related Injury and Illness Reporting Policy” to the Employee Handbook as Chapter 8, Section XVI, as presented.

Budget/Funding: None

Attachments: Policy

Meetings: Work Session held June 20, 2016

Staff

Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the addition of the “Work-Related Injury and Illness Reporting Policy” to the Employee Handbook as Chapter 8, Section XVI, as presented.

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB

Work-Related Injury & Illness Reporting Policy and Procedures

Employees have the right to report work-related injuries and illnesses. Town policy requires all employees to report on-the-job injuries as follows, no matter how slight, **immediately** following the injury.

When a work-related injury occurs:

- Notify emergency responders for serious injuries
- Notify your supervisor
- Call Toll Free **1-877-234-0898** (VML “NT24” work-related injury line)
- Use Member Number **230**
- 24 hours a day – 7 days a week – 365 days a year
- Injuries must be reported immediately

Upon calling the VML (NT24) work-related injury line, you have the opportunity (not required) to speak with a Registered Nurse who will obtain a history of the injury and offer a best course of action based on the symptoms reported.

This policy does not replace calling 911 when immediate medical attention is required. When appropriate or necessary, an injured employee must seek medical attention in an emergency facility or with a physician’s office that is specifically listed on our panel of physicians. The panel of physicians, as well as prescription information, is provided by your supervisor or department head. It is the employee’s responsibility to attend follow-up appointments as scheduled by Occupational Health or medical office related to a work injury.

Employee’s must not be deterred or discouraged from reporting injuries and illnesses. Town policy prohibits discrimination and/or retaliation against employees for reporting work-related injuries and illnesses.

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(L)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Purchase of Welcome Banner

Summary: Council has received a request from the Community Development Director to purchase a “*Front Royal Welcomes Rural King*” two color banner to be installed at the Royal Plaza while “Rural King” completes renovation of the former Kmart building. The estimated cost for the banner is \$150 plus tax.

Budget/Funding: 1101-45428 Council – Community Relations

Attachments: None

Meetings: Work Session held June 20, 2016

Staff

Recommendation: Approval X Denial _____

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the appropriation of an amount not to exceed \$175.00 to purchase a “Welcome” banner for Rural King. I further move that Council donate the banner to the Economic Development Authority (EDA) with the understanding that the EDA will donate the banner to Rural King as part of the welcome to our community.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB

7M



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(M)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Resolution of Support for One-Way Travel on Massie Street

Summary: Residents of Massie Street and W 1st Street have requested that the Town address speed and traffic volume on their streets. After much discussion Council is requested to consider a Resolution of Support that restricts travel on Massie Street to northbound travel only. This will include the installation of “One-Way” signs and a “No Outlet” sign on W 1st St at Virginia Avenue, as presented. Town Council is also requested to direct staff to provide at least one week of advanced notice of this change in traffic patterns and bring back to Council in three months with results.

Budget/Funding: None

Attachments: Resolution of Support

Meetings: Work Session held June 20, 2016

Staff Recommendation: Approval X Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Resolution of Support for One-Way Travel on Massie Street, as presented. I further move that Council direct staff to provide at least one week of advanced notice of this change in traffic patterns and bring back to Council in three months with results.

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB



Town of Front Royal, Virginia



**RESOLUTION OF SUPPORT
ONE-WAY TRAVEL ON
MASSIE STREET**

WHEREAS, the residents of Massie Street and West 1st Street presented Town Council with a petition requesting the Town to address their speed and traffic volume concerns at the May 11, 2015 Council Meeting; and,

WHEREAS, the Town conducted numerous traffic studies on West 1st Street that identified an average daily traffic volume of approximately 600 trips eastbound and 400 trips westbound; and,

WHEREAS, the Town investigated various opportunities to address the traffic volume issue; and,

WHEREAS, the Town has worked with the residents to identify the best solution to reduce traffic volume on West 1st Street and Massie Street that would limit through traffic from Virginia Avenue to Main Street traveling through the neighborhood;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby supports the decision to restrict travel on Massie Street to northbound travel through the installation of one-way signs on Massie Street and to install a “No Outlet” sign on West 1st Street at Virginia Avenue; and,

BE IT FURTHER RESOLVED that the Mayor and Council of the Town of Front Royal, Virginia hereby requests that the Town provide at least one week of advanced notice of this change in traffic patterns.

Adopted this 27th day of June, 2016

APPROVED:

Timothy W. Darr, Mayor

Attest:

Jennifer E. Berry, CMC, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia
Town Council on _____ 2016, upon the following recorded vote:

Hollis L. Tharpe	Yes/No	Bret W. Hrbek	Yes/No
Eugene R. Tewalt	Yes/No	Bébhinn C. Egger	Yes/No
John P. Connolly	Yes/No	Jacob L. Meza	Yes/No

Approved as to Form and Legality:

Douglas W. Napier, Esq., Town Attorney

Date: _____

7IN



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(N)

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Bid for Paving and Milling

Summary: Council is requested to approve a bid from W-L Construction & Paving for the paving and milling of various streets within the Town at the amount of \$482,287.00. There will be no revenue sharing during FY 2017 for this work; therefore, \$413,500.00 is budgeted for FY17. The street line painting and crosswalks being awarded as part of this bid are not the line painting bid for the entire Town. They are just for the streets that are to be newly paved through the bid.

Budget/Funding: FY17 DES budget line item 4500-47927 “Street Reconstruction” - \$413,500.00

Attachments: Memorandums from the Purchasing Agent and Director of Environmental Services and Quotation Tabulation

Meetings: None

Staff Recommendation: Approval X Denial _____

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a bid from W-L Construction & Paving in the amount of \$482,287.00 for the paving and milling of various streets within the Town as presented in the Quotation Tabulation.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB



MEMORANDUM

Date: June 20, 2016
To: Tina Presley, Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item

On Wednesday, June 8, 2016, I held a bid opening for paving and milling various streets within the Town. I received two (2) responses (see attached tabulation form). Due to the dollar amount, I will need Town Council approval to award this bid. Please place this item on the June 27 Council agenda for their action.

The street line painting and crosswalks being awarded as part of this bid are not the line painting bid for the entire Town. They will be just for the streets that are to be newly paved through this bid.

Staff recommends the award for paving and milling projects within the Town, as directed by the Department of Environmental Resources, be made to W-L Construction & Paving, at the following costs:

(est.) 4,375 tons of SM-9.5A finish asphalt in place @ \$88.30/ton	\$386,312.50
(est.) 20,920 square yards of full depth milling @ \$2.30/sy	\$48,116.00
(est.) 14,045 linear feet of edge milling @ \$1.30/lf	\$18,258.50
(est.) 4,000 linear feet of 4" white and yellow street line painting @ \$1.95/lf	\$7,800.00
(est.) 16 each thermal application turn arrows @ \$570.00/ea	\$9,120.00
(est.) 6 each thermal application crosswalks @ \$1,480.00/ea	\$8,880.00
lump sum for mobilization	\$3,800.00

Based on the estimated footage of the Request for Quotation, the total bid award will be \$482,287.00. There will be no revenue sharing during Fiscal Year 2017 for this work. There will be funding available in the FY17 DES budget line item 4500-47927 "Street Reconstruction", in the amount of \$413,500.00. Part of this funding has been earmarked for Belair Avenue and Dixie Avenue to be paved pending a waterline upgrade in those areas. Part of the funding will also be used to complete the worst portion of Commerce Avenue. Once these areas have been completed, depending on the funding remaining, other streets will be looked at for improvements.



Town of Front Royal
Department of Environmental Services

MEMORANDUM

TO: Cindy Hartman, Purchasing
Steve Burke, Town Manager

FROM: Jimmy Hannigan, Environmental Services Director

DATE: June 22, 2016

SUBJECT: FY17 Paving Plan

Steve,

Due to the fact the Town did not receive revenue sharing for Commerce Ave, we are unable to complete all of Commerce Ave as originally planned. We are recommending to complete a portion of Commerce Ave and this will be the part that is in the worst condition and continue with other streets as planned-Bel Air and Dixie pending the water line upgrade.

The paving bid will be awarded to the lowest bid.

If you have any questions regarding this memo, please call me at 692-4790.

Thank you.

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: MILLING & PAVING

Quotation #23

Date: JUNE 8, 2016

Mailed 9

Replied 2

Vendor Quotation

	W-L CONSTRUCTION & PAVING	FINLEY ASPHALT		
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
MILLING AND PAVING				
(EST.) 4,375 TONS - SM-9.5A FINISH ASPHALT, IN-PLACE	\$386,312.50	\$ 386,093.75		
(EST.) 20,920 SQUARE YARDS - FULL DEPTH MILLING	\$48,116.00	\$ 70,082.00		
(EST.) 14,045 LINEAR FEET - EDGE MILLING	\$18,258.50	\$47,050.75		
LUMP SUM - MOBILIZATION	\$3,800.00	\$3,750.00		
(EST.) 4,000 L.F. - WHITE AND YELLOW LINE STRIPING	\$7,800.00	\$2,880.00		
(EST.) 16 EA. - THERMAL TURN ARROWS	\$9,120.00	\$2,904.00		
(EST.) 6 EA. - THERMAL CROSSWALKS	\$8,880.00	\$8,250.00		
Total	\$482,287.00	\$521,010.50		
Discount				
Net Quotation				
Terms				

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness


Purchasing Agent

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 8

Meeting Date: June 27, 2016

Agenda Item: PUBLIC HEARING TO RECEIVE PUBLIC INPUT pertaining to the Installation of Security Cameras at the Town Gazebo Area

Summary: Council is requested to receive public input pertaining to the installation of security cameras at the Town Gazebo Area.

Budget/Funding: None

Attachments: Excerpt of Minutes of December 14, 2015

Meetings: Work Sessions held June 15, September 8, October 19, November 16, 2015 and May 16, 2016, as well as May 16, 2016. Regular Meeting of December 14, 2015.

Staff Recommendation: Approval_____ Denial_____

Proposed Motion: No action by Town Council is necessary following this Public Hearing.

Should Council desire to take action, the following motions are provided:

- 1) I move that Council direct staff to install security cameras at the Gazebo that will be accessible by the Police Department to investigate incidents and by IT staff for maintenance. I further move that Council direct staff to install signage informing the public that security cameras are in use in the area.

OR

- 2) I move that Council direct staff to continue not utilizing security cameras at the Gazebo.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB

EXCERPT FROM MINUTES OF DECEMBER 14, 2015

COUNCIL APPROVAL – Request to Remove Cameras from Gazebo Area

Summary: Councilman Egger requested at the November 16, 2015 Work Session that Council consider approval of removing all the video cameras that are currently placed inside the Gazebo located at Main and Chester Streets at their December 2015 regular meeting.

Councilman Egger moved, seconded by Councilman Hrbek that Council approve the removal of all the video cameras that are currently placed inside the Gazebo located at Main and Chester Streets.

Councilman Egger noted that Benjamin Franklin stated that those that would give up their liberty for security deserve neither. She opined that it was the Town Square and as the Town government, Council should not just infringe upon innocent citizens by placing them under surveillance.

Councilman Egger stated that the cameras were put up in late 2013 without the full understanding of Council, as there was no debate or discussion among Council, nor was there any discussion with the public. She added that Council has yet to see any good reason to leave the cameras up. She explained that the document submitted by the Police Department that supposedly helped with crime were actually cameras on private property, not the gazebo cameras. Councilman Egger stated that the cameras were an issue of liberty and the Town Staff should not be surveying the Town Square.

Councilman Connolly asked whether there had been vandalism events. He noted that apparently the Visitor's Center vandalism was during the day and the events in the parking lot were throughout the day as well.

Councilman Connolly moved, seconded by Councilman Funk that Council amend the motion to add instruction to close the Gazebo area after 11 p.m. if the motion passed.

Councilman Connolly noted that basically it was a park area and this was a space that was constructed with tax payer dollars and the Town is liable for damage if the area was damaged.

Councilman Egger stated that she appreciates the amendment offered, though she would be unable to support the measure. She noted that anyone should be able to sit there at anytime if they are not doing anything wrong.

Councilman Hrbek noted that it was not acceptable and sends the wrong signal to have the downtown Gazebo area off limits.

Councilman Connolly noted that it is not reasonable to have a 24-hour guard on site downtown and it is not reasonable to think that the area would not be defaced.

Vice Mayor Tharpe moved to post signs at the gazebo.

Councilman Hrbek noted it would need to be a replacement motion. Mayor Darr agreed.

Vote: Yes – Connolly and Funk
No – Egger, Hrbek, Tewalt and Tharpe
Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call; To Limit the Hours at the Gazebo)

Councilman Connolly stated that he would be inclined to support the motion as presented

Vote: Yes – Connolly, Egger, Funk and Hrbek

No – Tewalt and Tharpe

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call; To Remove the Cameras from the Gazebo)

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 9

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Ordinance to Amend Town Code Section 158-6 Pertaining to Adoption by Reference of the State Motor Vehicular Laws (*2nd Read*)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend Section 158-6 of the Front Royal Town Code pertaining to Adoption by Reference of the State Motor Vehicular Laws. Annually, Towns must re-adopt this section of the Town Code that legally allows the Town to incorporate all the changes to the State Code traffic laws that have been made during the year.

Budget/Funding: None

Attachments: Proposed Ordinance

Meetings: Work Session held May 2, 2016. Public Hearing held June 13, 2016.

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council adopt on its second and final reading an ordinance to amend Section 158-6 of the Front Royal Town Code pertaining to Adoption by Reference of the State Motor Vehicular Laws, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB

**AN ORDINANCE TO AMEND SECTION
158-6 OF THE FRONT ROYAL TOWN CODE
PERTAINING TO ADOPTION BY REFERENCE
OF THE STATE MOTOR VEHICULAR LAWS**

BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia, that Section 158-6 of the Front Royal Town Code is hereby amended and enacted as follows:

Pursuant to the authority of Section 46.2-1313, Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the State as of July 1, **2016**, contained in Title 46.2, Code of Virginia, 1950, as amended, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, 1950, as amended, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which, by their very nature, can have no application to or within the Town, are adopted and incorporated by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made part of this chapter as fully as those set forth at length herein; and it shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision of Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia.

For purposes of § 4-4 (E) of the Town Code, this Ordinance is deemed routine, and is effective on **July 1, 2016.**

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____2016, upon the following recorded vote:

Bébhinn C. Egger	Yes/No	Bret W. Hrbek	Yes/No
John P. Connolly	Yes/No	Hollis L. Tharpe	Yes/No
Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No

A public hearing on the above was held on _____, 2016, having been advertised in the Northern Virginia Daily on _____, 2016, and _____, 2016. The Ordinance was enacted at the Regular Meeting of the Town Council held _____2016, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney
Date: ____/____/____

10



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 10

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Ordinance to Amend Town Code Sections 160-10 and 160-11 pertaining to Licensing of Vehicles (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend Sections 160-10 [Prohibitions] and 160-11 [Violations and Penalties] pertaining to Licensing of Vehicles. If approved, these Town Code sections will be consistent with Section 46.2-752, Code of Virginia 1950, as amended, regarding local vehicle licensing requirements.

Budget/Funding: None

Attachments: Proposed Ordinance Amendment

Meetings: Work Session held May 2, 2016. Public Hearing held June 13, 2016

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council adopt on its second and final reading an ordinance to amend Sections 160-10 [Prohibitions] and 160-11 [Violations and Penalties] of Licensing of Vehicles, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB

**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL TOWN CODE
SECTIONS 160-10 AND 160-11 PERTAINING TO VIOLATIONS OF
LOCAL VEHICLE LICENSING REQUIREMENTS**

WHEREAS, Town Staff has become aware that Front Royal Town Code Sections 160-10 (Prohibitions) and 160-11 (Violations and Penalties) contained some inconsistencies when compared to enabling law Section 46.2-752, Code of Virginia, 1950, as amended, regarding local vehicle licensing requirements.

NOW THEREFORE, BE IT ENACTED, pursuant to the authority provided by Section 46.2-752, Code of Virginia, 1950, as amended, by the Town Council of the Town of Front Royal, Virginia, that Sections 160-10 and 160-11 of the Front Royal Town Code are hereby amended and re-enacted as follows:

160-10 PROHIBITIONS

~~No person shall:~~

~~Operate or permit a motor vehicle, trailer or semitrailer controlled by him to be operated within the Town, which does not have attached thereto and displayed thereon the license plate or sticker assigned thereto for the current license year.~~

~~B. Display, cause or permit to be displayed or to have in possession any license plate or sticker, knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.~~

~~C. Lend or knowingly permit the use by one not entitled thereto of any license plate or sticker.~~

~~D. Park upon streets, alleys or grounds of the Town of Front Royal or in any other place open to the public a motor vehicle, trailer or semitrailer which does not have attached thereto and displayed thereon the license plate or sticker assigned thereto for the current license year.~~

It shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer, located and registered in Town, to:

A. Fail to obtain, or fail to display thereon after having been assigned thereto, a Town license plate or sticker for the current license year; or,

B. Display or allow to be displayed thereon a Town license plate or sticker after its expiration date, or while knowing the same to be fictitious, canceled, revoked, suspended or altered; or,

C. Park upon streets, alleys or grounds of the Town of Front Royal or in any other place open to the public such motor vehicle, trailer or semitrailer which does not have attached thereto and displayed thereon the Town license plate or sticker assigned thereto for the current license year.

160-11 VIOLATIONS AND PENALTIES

~~Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed twenty dollars (\$20.).~~

Any person who violates any of the provisions of this chapter shall be guilty of a Class 4 misdemeanor. A violation of this chapter by the registered owner of the motor vehicle, trailer, or semitrailer may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required Town license plate or sticker has been obtained. The police officers of the Town are authorized to enforce the prohibitions of this chapter by issuing citations, summonses, parking tickets (Notice of Violation) or uniform traffic summonses.

This ordinance is effective July 1, 2016.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2016, upon the following recorded vote:

Bébhinn C. Egger	Yes/No	Bret W. Hrbek	Yes/No
John P. Connolly	Yes/No	Hollis L. Tharpe	Yes/No
Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No

A public hearing on the above was held on _____, 2016, having been advertised in the Northern Virginia Daily on _____, 2016, and _____, 2016. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2016, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney
Date: ____/____/____

11



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 11

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Ordinance to Amend and Re-enact Town Code Section 12-5 pertaining to Police Department Fees for Minor Accident Reports (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend and re-enact Town Code Section 12-5 [Police Department Fees] to establish a \$5.00 fee for minor accident reports where damage is \$1,500.00 or less and no personal injury is involved and is less than five (5) pages, effective July 1, 2016. All other requested accident reports will continue to be referred to the Department of Motor Vehicles (DMV).

Budget/Funding: None

Attachments: Proposed Ordinance Amendment

Meetings: Work Session held June 6, 2016. Public Hearing held June 13, 2016

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council adopt on its second and final reading an ordinance to amend and re-enact Town Code Section 12-5 [Police Department Fees], as proposed and effective July 1, 2016.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB

**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL TOWN CODE
CHAPTER 12-5 PERTAINING TO A FEE FOR ACCIDENT/INCIDENT REPORTS**

WHEREAS, the charge for accident reports from the Front Royal Police Department was removed from the Front Royal Town Code June 8, 2016; and,

WHEREAS, the charge of \$5.00 continues to be collected from the Police Department for minor accident reports as defined below; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 12-5 of the Front Royal Town Code is hereby amended and re-enacted as follows:

12-5 POLICE DEPARTMENT FEES

Minor Accident Reports	\$5.00
-------------------------------	---------------

Minor Accident Reports shall be accidents where damage is \$1,500.00 or less and no personal injury is involved. Minor Accident Reports shall be five (5) pages or less. Any additional pages shall incur a cost of \$0.15 per page. Accident Reports that are not minor shall be obtained from the Commonwealth of Virginia Department of Motor Vehicles.

This ordinance is effective July 1, 2016

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2016, upon the following recorded vote:

Bébhinn C. Egger	Yes/No	Bret W. Hrbek	Yes/No
John P. Connolly	Yes/No	Hollis L. Tharpe	Yes/No
Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No

A public hearing on the above was held on _____, 2016, having been advertised in the Northern Virginia Daily on _____, 2016, and _____, 2016.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 12

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Ordinance to Amend Town Code Section 75-44 pertaining to Delinquent Tax Lists and Mailing of Bills (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend Town Code Section 75-44.A. [Delinquent Tax Lists – Mailing of bills; Due Dates; Penalty and Interest; Imposition of the Taxes and Rates]. If approved, this section of the Town Code will remove the wording of “Delinquent Tax Lists” and clarify that this Town Code Section pertains to the mailing of standard tax bills.

Budget/Funding: None

Attachments: Proposed Ordinance Amendment

Meetings: Work Session held May 2, 2016. Public Hearing held June 13, 2016

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council adopt on its second and final reading an ordinance to amend Town Code Section 75-44.A. [Delinquent Tax Lists – Mailing of bills; Due Dates; Penalty and Interest; Imposition of the Taxes and Rates], as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB

**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL MUNICIPAL TOWN
CODE SECTION 75-44.A. PERTAINING TO MAILING OF TAX BILLS**

WHEREAS, the Front Royal Municipal Town Code Section 75-44 is currently titled “*Delinquent Tax Lists – Mailing of Bills; Due Dates, Penalty and Interest; Imposition of the Taxes and Rates*”; and,

WHEREAS, Section 75-44 pertains more to standard tax bills and delinquent tax bills are addressed in other areas of the Town Code; and,

WHEREAS, Section 75-44, as currently written, views standard tax bills are being mailed in January of each year rather than delinquent tax bills; and,

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that 75-44.A. of the Town of Front Royal Municipal Code is hereby amended and re-enacted as follows:

**75-44 ~~DELINQUENT TAX LISTS~~ - MAILING OF BILLS; DUE DATES, PENALTY
AND INTEREST; IMPOSITION OF THE TAXES AND RATES**

A. The Town Treasurer, personally or through the Director of Finance, shall, ~~in January~~ **after the annual tax assessments are made available to the Town, but not later than twenty (20) days prior to the due date of the taxes** each year, send or cause to be sent by United States mail to each taxpayer assessed with real and personal property taxes and levies for that year amounting to five dollars (\$5.00) or more as shown by an assessment book in the Office of the Director of Finance, a bill or bills setting forth the amount due. If the said Director or Treasurer intends to seek collection of a tax in an amount less than five dollars (\$5.00), he shall send or cause to be sent to the taxpayer a bill as set forth above. Notwithstanding any of the foregoing, failure of the said Director or Treasurer to send or of the taxpayer to receive a bill shall not affect the taxpayer’s obligation to pay the full amount of said taxes by the due date.

This ordinance is effective upon passage.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2016, upon the following recorded vote:

Bébhinn C. Egger	Yes/No	Bret W. Hrbek	Yes/No
John P. Connolly	Yes/No	Hollis L. Tharpe	Yes/No
Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No

A public hearing on the above was held on _____, 2016, having been advertised in the Northern Virginia Daily on _____, 2016, and _____, 2016. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2016, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 13

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Lease Agreement for Propane Gas Tanks along 501 E Main Street – Katie Mae, LLC

Summary: Council has received a request from Katie Tewell and Mac MacIntyre aka Katie Mae, L.L.C. seeking to install three 100-gallon propane gas tanks on the public sidewalk along Blue Ridge Avenue in conjunction with a new business they are proposing to open in a current vacant building. Council is requested to approve a Lease Agreement with Katie Mae, L.L.C. dba/Apple House Deli to lease the area atop the sidewalk located on Blue Ridge Avenue adjacent to the exterior western wall of the building at 501 E Main Street for a five year period beginning July 1, 2016 and ending June 30, 2017.

Budget/Funding: None

Attachments: Lease Agreement, photos/sketches and correspondence from the County Building Office, Blossman Propane Gas & Appliances, Town Planning/Zoning, VML, County Fire Marshall and Town Risk Manager

Meetings: Work Session held June 20, 2016

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council approve a Lease Agreement with Katie Mae, LLC for the placement of three 100-gallon propane gas tanks on the public sidewalk along Blue Ridge Avenue in conjunction with a new business at 501 E Main Street for a period of five (5) years beginning July 1, 2016 and ending June 30, 2017 as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB

LEASE AGREEMENT

THIS LEASE AGREEMENT, is made and entered into this 24th day of May, ~~2015~~ ²⁰¹⁶ by and between the TOWN OF FRONT ROYAL, VIRGINIA, a municipal corporation, hereinafter referred to as the "Town", and KATIE MAC, L.L.C., a Virginia Limited Liability Company, dba Apple House Deli, hereafter referred to as the "Lessee".

That for and in consideration of the sum of **ONE DOLLAR (\$1.00) per annum**, paid by the Lessee to the Town, the parties do hereby agree as follows:

1. **PREMISES** – The Town agrees to lease to the Lessee the area situated atop the pedestrian sidewalk located on Blue Ridge Avenue adjacent to the exterior western wall of the building at the street address of 501 East Main Street, Front Royal, Virginia, with approximate dimensions of 12' x 4 1/2'. Such area, which is hereafter referred to as the "Premises", is as generally shown on the drawing marked Exhibit "A", attached hereto and made a part of this Lease. The Premises area is also generally depicted in those photographs of the pedestrian sidewalk marked Exhibit "B" and Exhibit "C", copies of which are attached hereto and made a part of this Lease.

2. **LEASE PURPOSE** – The Town grants a lease of these Premises for the express purpose of the installation, placement, and maintenance of above-ground propane gas tanks as are depicted in the drawing marked Exhibit "A", and as are further described in a letter dated September 2, 2015 from Blossman Propane Gas & Appliance, which is marked Exhibit "E" and is attached hereto and made a part of this Lease. The lease purpose shall also include the installation, placement and maintenance of

any associated hoses, pipes and equipment related to the use of the propane tanks, plus the fencing and the bollards as are further described herein in section 5.

3. **TERM OF LEASE** - The term of the Lease is for a period of (5) years, commencing on the 1st day of July, 2016, and ending on the 30th June day of 20 21.

4. **PAYMENT OF RENT** - Lessee shall pay to the Town an annual rental payment of **One Dollar (\$1.00)**. The rental payment shall be paid in advance beginning on the 1st day of July, 2016, and on an annual basis thereafter for the term of this Lease and any extensions hereunder.

5. **FENCING AND BOLLARDS** - The Lessee shall be responsible for erecting and effectively maintaining at all times, in a safe and sightly manner, fencing which shall be substantially similar in type and appearance, and in size and effectiveness, as is shown on the advertisement marked Exhibit "D" attached hereto and made a part of this Lease. The fencing shall be installed and maintained so as to allow an approximately five foot (5') width for sidewalk pedestrian traffic on the west side of the fence as shown in the drawing marked Exhibit 'A'. The purpose of the fence shall be to screen the aforementioned propane tanks from the casual view of passers-by. The fence shall include an access gate as shown in Exhibit "A". Said gate shall remain locked at all times, except when said propane tanks and their surrounds are being inspected, serviced or otherwise maintained. Access to the Premises and the propane tanks shall at all times be afforded by the Lessee to Town employees, officers, agents, and all emergency responders. The Lessee shall furnish to the Town a key or combination to the gate lock to assure accessibility during times when the Lessee may not be at this place of business.

Lessee will also install bollards as described in Exhibit "E" around the dimensions of the Premises in such numbers and in such locations as shall be in compliance with building code regulations, to the satisfaction of Warren County's Building Inspector.

6. RELEASE AND HOLD HARMLESS - Lessee hereby agrees to hold the Town, its officers, employees, agents, and invitees harmless from any liability pertaining to Lessee's, Lessee's customers', employees', agents', officers', and invitees' use and/or occupancy of the Premises. Lessee agrees to execute the "EASEMENT-HOLD HARMLESS LETTER TOWN OF FRONT ROYAL, VIRGINIA DEPARTMENT OF PLANNING & ZONING" document, marked Exhibit "F" which is attached hereto and made a part of this lease.

7. USE OF PREMISES - The Lessee shall not assign this Lease or sublet the Premises without the express written consent of the Town. The Lessee shall not permit or allow any dangerous practices or hazardous conditions to occur on the Premises, shall not violate any State, Federal, or local law concerning the use of the Premises, or permit any illegal activity to occur thereon. The Lessee shall not create or allow any nuisance to be or to remain upon the Premises.

8. ALTERATIONS OR IMPROVEMENTS - Any alterations, additions, or improvements to the Premises, other than those associated with the servicing, maintenance or replacement of the propane tanks, any related equipment or appurtenances, the fencing and bollards, shall not be permitted without the written consent of the Town. Any permitted alterations, additions, or improvements to the Premises shall be performed at the sole expense of the Lessee by reputable workmen and licensed contractors. All alterations, additions, or improvements to the Premises shall be and remain the sole property of the Town, except as may be provided herein.

9. **MAINTENANCE** - The Lessee shall maintain the Premises in a proper and safe condition of good repair. At the conclusion of the Lease, if so requested by the Town, the Lessee shall remove all installed fixtures, equipment and other property from the Premises, and surrender the Premises to the Town in the same condition and repair as existed at the commencement of the Lease. The Lessee accepts the Premises "as is", and "where is". It is specifically understood that the Town has no obligation to the Lessee to make any repairs, improvements, or to make replacements of any sort whatsoever to the Premises during the period of the Lease. The Town does not warrant or guarantee as to the suitability of the Premises for any particular purpose.

10. **TERMINATION** - This Lease may be terminated by either party for any reason six (6) months from the date of mailing or hand delivery a written notice of termination to the other party. For the purposes of this Lease, all notices shall be made in writing and shall be delivered by first class mail or hand delivered to the parties at the addresses stated herein, to-wit:

TOWN OF FRONT ROYAL

***c/o* Front Royal Town Manager**

102 East Main Street

Front Royal, Virginia 22630

KATIE MAC LLC

400 Luray Avenue,

Front Royal, Virginia 22630

In the event of termination by the Town prior to the scheduled expiration of the Lease, Lessee shall be given a reasonable time to remove any of its personal property left upon the Premises. For the

purpose of this Lease, personal property shall include, but not be limited to the propane gas tanks, associated hoses and equipment, fencing and bollards. In the event that public necessity requires an immediate recovery of the Premises by the Town, and Lessee is unable to immediately remove its personal property from the Premises, the parties shall agree as to reasonable compensation to be paid to the Lessee for any loss occasioned by Lessee, and in the event the parties are unable to so agree, the parties may utilize mediation, arbitration, or litigation, with the reasonable expenses thereof to be borne by the Town.

Except as provided herein, any personal property which remains upon the Premises more than 30 days following the termination or expiration of the Lease shall become the sole property of the Town.

11. INSURANCE-

A. As a condition to this Lease becoming and remaining in effect, Lessee shall procure and continuously maintain a policy of general liability insurance, with the Town named as an Additional Insured, for protection from claims caused by negligent, reckless, or willful error, omission or act for which Lessees are legally liable, for Lessee's use of the Town's sidewalk, or for servicing the equipment or other personal property on the Town's sidewalk. Lessee shall deliver to the Town, upon execution of this Lease Agreement, a certificate of such insurance. Insurance shall provide for coverage effective through the date of the end of the Project. Such certificate of insurance shall provide that such insurance coverage shall not be cancellable without thirty (30) days' prior written notice in advance to the Town. In the event Lessee shall fail to obtain or continuously maintain such insurance, the Town may do so at the expense of Lessee, or at the option of the Town, may cancel this Lease, without further notice to Lessee.

B. Amount of Insurance Required:

- 1) Comprehensive General Liability Insurance \$1,000,000 Minimum per Occurrence.
- 2) Worker's Compensation – As required by the Commonwealth of Virginia.

12. AUTHORITY- All parties and signatories hereto affirmatively represent that by signing this Lease with all Exhibits hereto, that they have all necessary and appropriate authority of their representative organizations to do so and legally bind their organizations hereto.

13. INTERPRETATION - The interpretation of the provisions of this Lease Agreement shall be in accordance with the laws of the Commonwealth of Virginia.

14. MODIFICATION AND EXTENSIONS - Modification of the terms and conditions of this Lease Agreement and extensions or renewals of this Lease Agreement shall not be permitted, unless agreed to in writing and executed with the same formality as this Agreement.

GIVEN under our hands this _____ day of _____, 2016.

TOWN OF FRONT ROYAL, VIRGINIA (SEAL)

BY: _____

Steven M. Burke, Town Manager

KATIE MAC L.L.C. (SEAL)

BY: Katie Jewell / Partner
Name/Title

APPROVED AS TO FORM:

Douglas

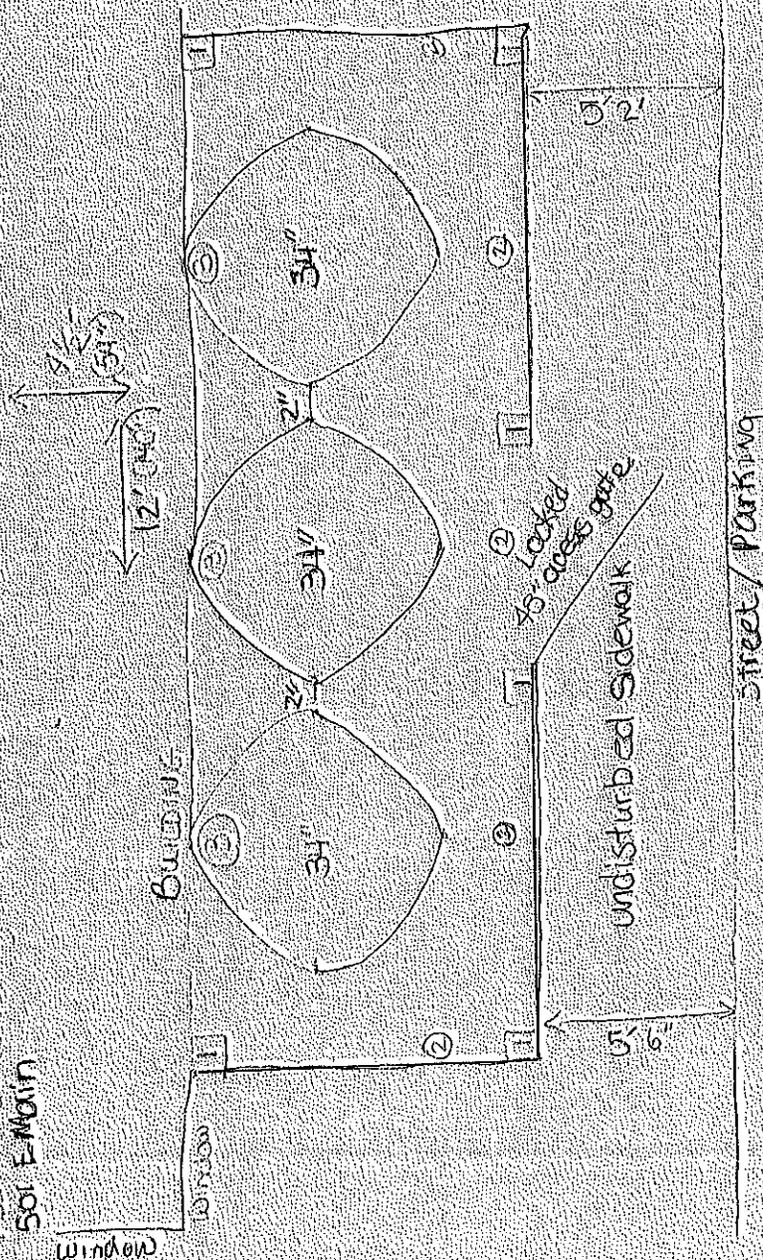
W.

Napier,

Town

Attorney

EXHIBIT "A"



501 E. MAIN

Map 101

- ① 4x4 posts
- ② 6x6 posts - 4' diam.
- ③ 100 gal Above ground tank

Fencing Height
4' 1/2'
2' off sidewalk for ventilation

EXHIBIT "B"

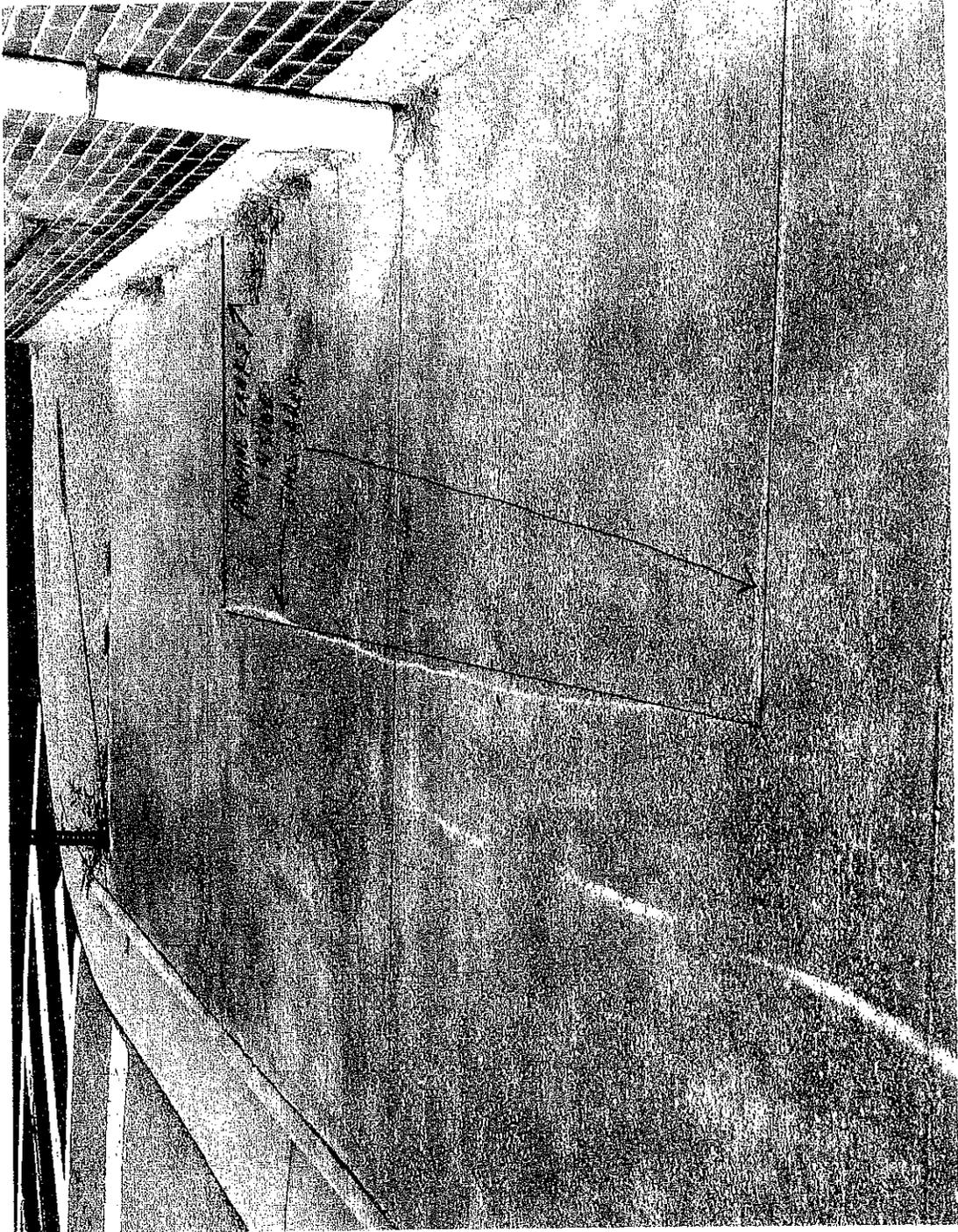


EXHIBIT "C"

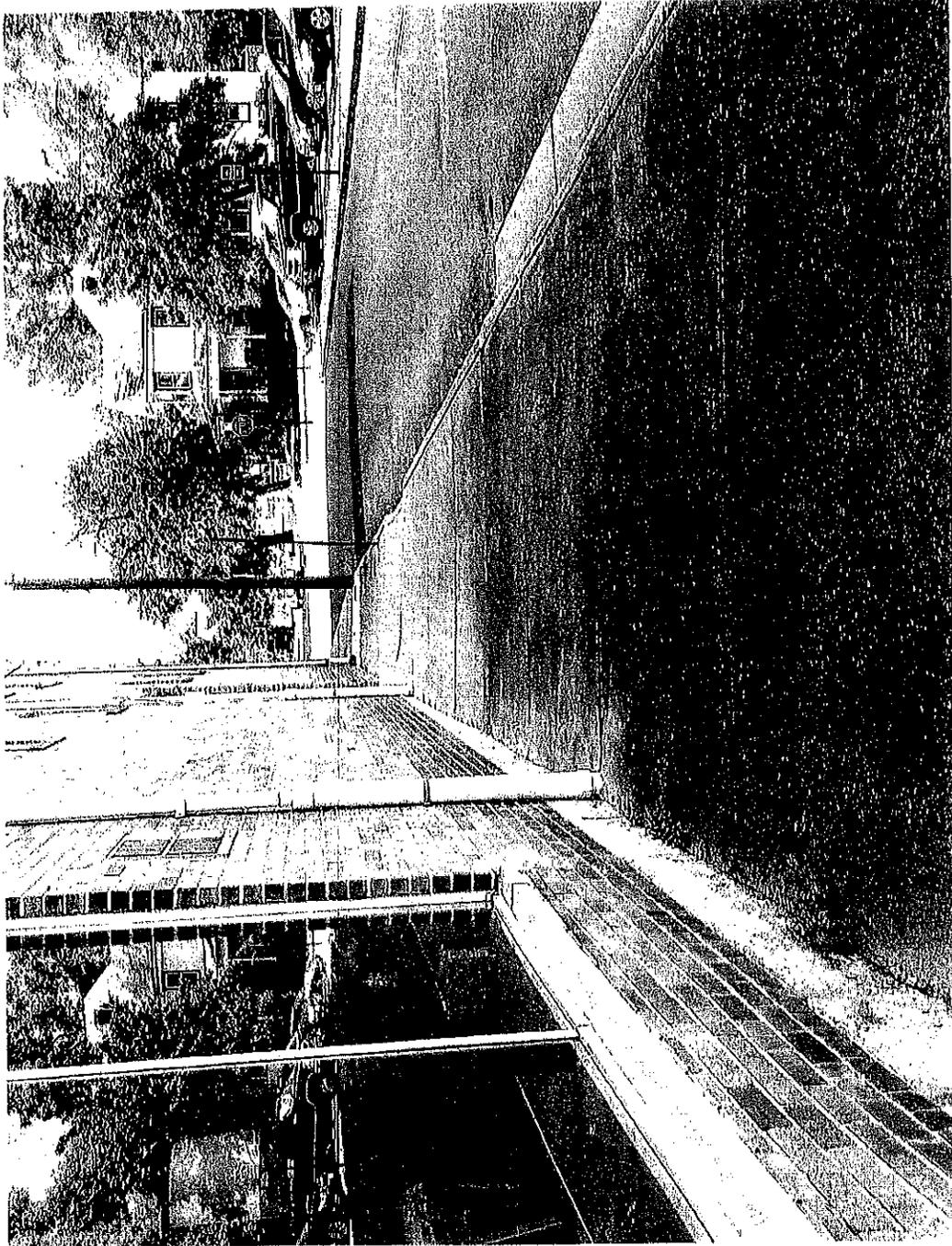
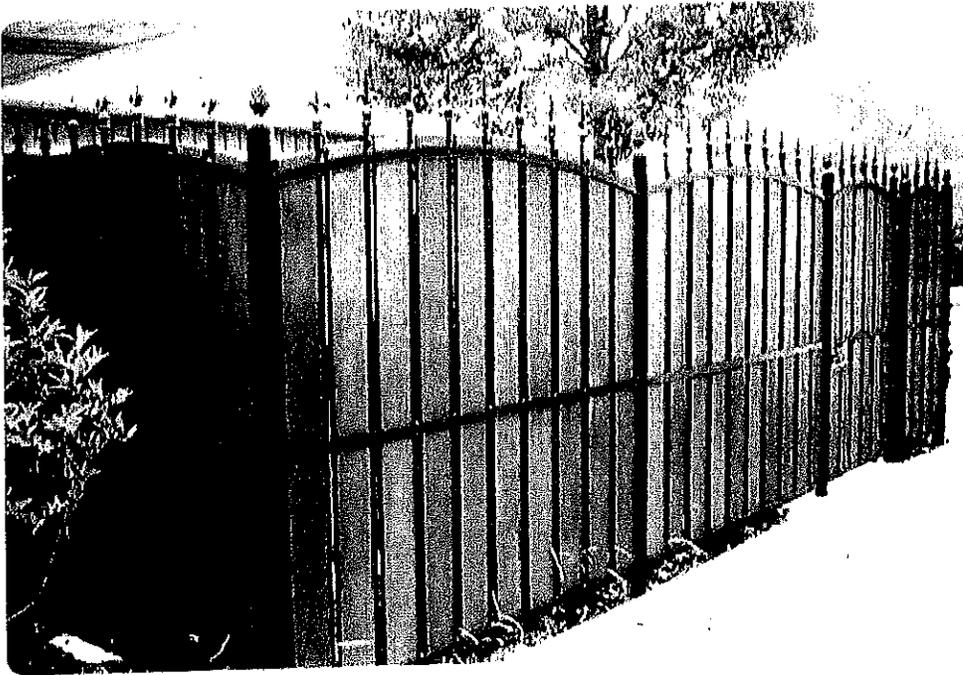


EXHIBIT "D"

Fencing: A Guide to the Options



Article from
HouseLogic

Read it

When shopping for a fence, you need to consider everything from style to function to how much maintenance it'll require.

EXHIBIT "E"



September 2, 2015

Jeremy F Camp

Director of Planning & Zoning

102 E Main Street

Front Royal, VA 22630

Reference: 501 E Main Street, Front Royal VA

Mr. Camp,

I am seeking permission to use the side walk on the side of 501 E Main Street to place 3-100 gallon above ground tanks for The Apple House Deli/Pauline's. Please refer to the enclosed rough drawing with measurements as well as pictures of the area we are seeking to utilize. With the proposed enclosed area, there still will be the width of 4 feet of sidewalk left for the use of pedestrian foot traffic.

I understand that the town's preference for tank placement is entirely underground, however from a safety standard this is not an option. Propane becomes a gas, instead of a staying a liquid like heating oil. Trapping gas underground would be hazardous to a passing pedestrian lighting a cigarette, as well as the building and all occupants of the building, if there were a leak. Also in the event of a problem with one of the aboveground tanks, they can be easily replaced.

Another reason against underground placement would be that it has been reported there is a water table approx. 16" below grade in this area. Underground tanks are buried approx. 4' in the ground, which means the tanks would be sitting in water.

I also understand the town's reluctance for above ground tanks are because of aesthetics. However if I may direct your attention to the attached picture of the proposed fencing that The Apple House Deli/Pauline's are willing to install which would screen vision of the propane tanks. You will see that the proposed fencing blends well with the brick work as well as displaying a historical look that downtown is striving for.

I have also spoken with Mr. Beahm, Warren County's Building Official, in reference to the bollard placement. Mr. Beahm, said he would approve 1 foot of distance between tanks and bollards, because the tanks would be on a sidewalk instead of in the street/parking area.

Please do not hesitate to call if I have overlooked any concern, or if we need to address any other issues. Thank you for your assistance in this matter. Hopefully we can proceed forward in a timely fashion so that the Apple House Catering can be a vibrant part of our wonderful downtown area in this beautiful spot.

Respectfully,

A handwritten signature in cursive script that reads "Laura".

Laura Gavls

107 West Main Street • Berryville, VA • 22611 • 540-955-4677 • FAX 540-955-4652 • www.blossmanngas.com

EXHIBIT "F"

EASEMENT - HOLD HARMLESS LETTER

TOWN OF FRONT ROYAL, VIRGINIA

DEPARTMENT OF PLANNING & ZONING

PROPERTY REFERENCE:

Tax Map Identification Number: 51187 C 0112C
Subdivision (if applicable): Main St. - Historic
Street Address: 501 E. Main St. Front Royal, VA 22630

Please be advised that the undersigned has requested permission to construct

Fence
(Improvements hereinafter referred to as "the Improvements") within an area designated and consisting of a utility and/or drainage easement area within the Town of Front Royal, Warren County, Virginia. The undersigned shall construct the Improvements subject to the following terms and conditions:

- The location of the improvements will not interfere with the use, operation or maintenance of any Town utility or drain.
- If an underground utility is located within the easement, the proposed structure shall not include any construction below grade.
- The applicant shall obtain the approval of all private utilities with facilities within the easement.
- The location, design and construction of the structure otherwise complies with the Town of Front Royal Design and Construction standards and all other applicable ordinances, regulations, and laws.

Additionally, the undersigned acknowledges and affirms that the Town has agreed to permit construction of the Improvements, subject to the following conditions:

In General

The undersigned agrees to, and hereby does, release, indemnify, and hold harmless the Town of Front Royal from any and all claims, demands, causes of action, or damages of any kind or nature against the Town, its consultants, employees, agents, representatives, or designees (hereinafter collectively "the Town"), brought by the undersigned or others, arising by reason of, or in any way associated with, the Town's permission to construct the Improvements within utility or drainage easement areas. This includes, without limitation, claims, demands, costs, or judgments against the Town whether such liability, loss, or damage is due or claimed to be due to the negligence of the undersigned, its subcontractors, the Town of Front Royal, its consultants, officers, agents, and employees.

In Respect to the Improvements

The undersigned also agrees to, and hereby does, release, indemnify, and hold harmless the Town and accepts all risks of loss associated with respect to the improvements themselves, as a result of constructing them within the utility or drainage easement area. The undersigned further holds harmless the Town for any and all damages which may be sustained to the subject of the Improvements, if the Town damages, removes, or destroys said improvements in the maintenance and repair of the facilities under, in, upon, over, and/or across the utility or drainage easement

area. In this regard, but not in limitation of the foregoing provision, the undersigned understands and agrees that, at any time, the Town, shall have the unrestricted superior right to demolish and remove all or any portion of the Improvements from the utility or drainage easement area should the Town desire or need, in its sole discretion, to gain access to or use the utility or drainage system facilities within the easement area. In such event, the Town shall not in any way, be liable or responsible to reimburse the undersigned for the Improvements, damage to the Improvements, replacement costs or otherwise. The construction and use of the utility or drainage easement area is at the undersigned's own risk of loss, which risk is accepted by the undersigned.

The undersigned acknowledges that the Town is under no obligation, in law or equity, to permit the activity contemplated hereunder. Permission is based upon the unique circumstances of this application and shall have no bearing or effect on the Town's rights or authority with respect to any other requests by the undersigned or any other property owner within the Town.

The undersigned agrees, as owner of the above-described Property, that this document may be recorded and that the representations and obligations herein are binding upon its successors and assigns.

SIGNATURE: Katie Jewell Katie Jewell
Print Signature Name

TITLE: Partner COMPANY: Katie Mae, LLC
ADDRESS: _____

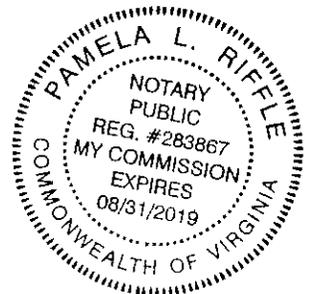
WITNESS: _____
Signature Print Signature Name

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 24 DAY OF May,
2016, BY Katie Jewell WHOSE SIGNATURE IS
EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS APPEARED THIS DAY
BEFORE ME, Pamela L. Ripple, A NOTARY PUBLIC
IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 31 DAY OF August, 2019.
Pamela L. Ripple
NOTARY PUBLIC
283867
Registration Number

[SIGNATURES AND ACKNOWLEDGMENT CONTINUED NEXT PAGE, IF NEEDED]



SIGNATURE: _____
Print Signature Name

TITLE: _____ COMPANY: _____
ADDRESS: _____

WITNESS: _____
Signature Print Signature Name

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____
20____, BY _____, WHOSE SIGNATURE IS
EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS APPEARED THIS DAY
BEFORE ME, _____, A NOTARY PUBLIC
IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE ____ DAY OF _____,

NOTARY PUBLIC

Registration Number

Signature: _____ Date: _____
Steve Burke, Town Manager

Jeremy Camp

From: Laura Gavis <lgavis@blossmangas.com>
Sent: Sunday, September 6, 2015 5:58 PM
To: Jeremy Camp
Subject: FW: 501 E Main Street request
Attachments: image2015-09-04-082506.pdf

Laura Gavis
Cell 540-431-9443

We have a great promo right now for an installed Rinnai \$29.95/60 months interest free "Thank you for Becoming Part of Our Blossman Family!"

From: Laura Gavis
Sent: Friday, September 04, 2015 9:25 AM
To: jcamp@frontroyal.com
Cc: dbeahm@warrencountyva.net; applehousecatering@hotmail.com
Subject: 501 E Main Street request

Good Morning Mr. Camp,

Attached please find our letter, and pictures requesting that we can put 3-100 gallon tanks on the sidewalk beside the 501 E Main Street building.

If you have any questions, please feel free to call me.

Your assistance in this matter is greatly appreciated.

With regards,

Laura Gavis

107 W. Main Street
Berryville, VA 22611

540-955-4677

Cell number 540-431-9443

"Thank you for being part of our Blossman Family!"



Blossman Propane Gas & Appliance

September 2, 2015

Jeremy F Camp

Director of Planning & Zoning

102 E Main Street

Front Royal, VA 22630

Reference: 501 E Main Street, Front Royal VA

Mr. Camp,

I am seeking permission to use the side walk on the side of 501 E Main Street to place 3-100 gallon above ground tanks for The Apple House Deli/Pauline's. Please refer to the enclosed rough drawing with measurements as well as pictures of the area we are seeking to utilize. . With the proposed enclosed area, there still will be the width of 4 feet of sidewalk left for the use of pedestrian foot traffic.

I understand that the town's preference for tank placement is entirely underground, however from a safety standard this is not an option. Propane becomes a gas, instead of a staying a liquid like heating oil. Trapping gas underground would be hazardous to a passing pedestrian lighting a cigarette, as well as the building and all occupants of the building, if there were a leak. Also in the event of a problem with one of the aboveground tanks, they can be easily replaced.

Another reason against underground placement would be that it has been reported there is a water table approx. 16" below grade in this area. Underground tanks are buried approx. 4' in the ground, which means the tanks would be sitting in water.

I also understand the town's reluctance for above ground tanks are because of aesthetics. However if I may direct your attention to the attached picture of the proposed fencing that The Apple House Deli/Pauline's are willing to install which would screen vision of the propane tanks. You will see that the proposed fencing blends well with the brick work as well as displaying a historical look that downtown is striving for.

I have also spoken with Mr. Beahm, Warren County's Building Official, in reference to the bollard placement. Mr. Beahm, said he would approve 1 foot of distance between tanks and bollards, because the tanks would be on a sidewalk instead of in the street/parking area.

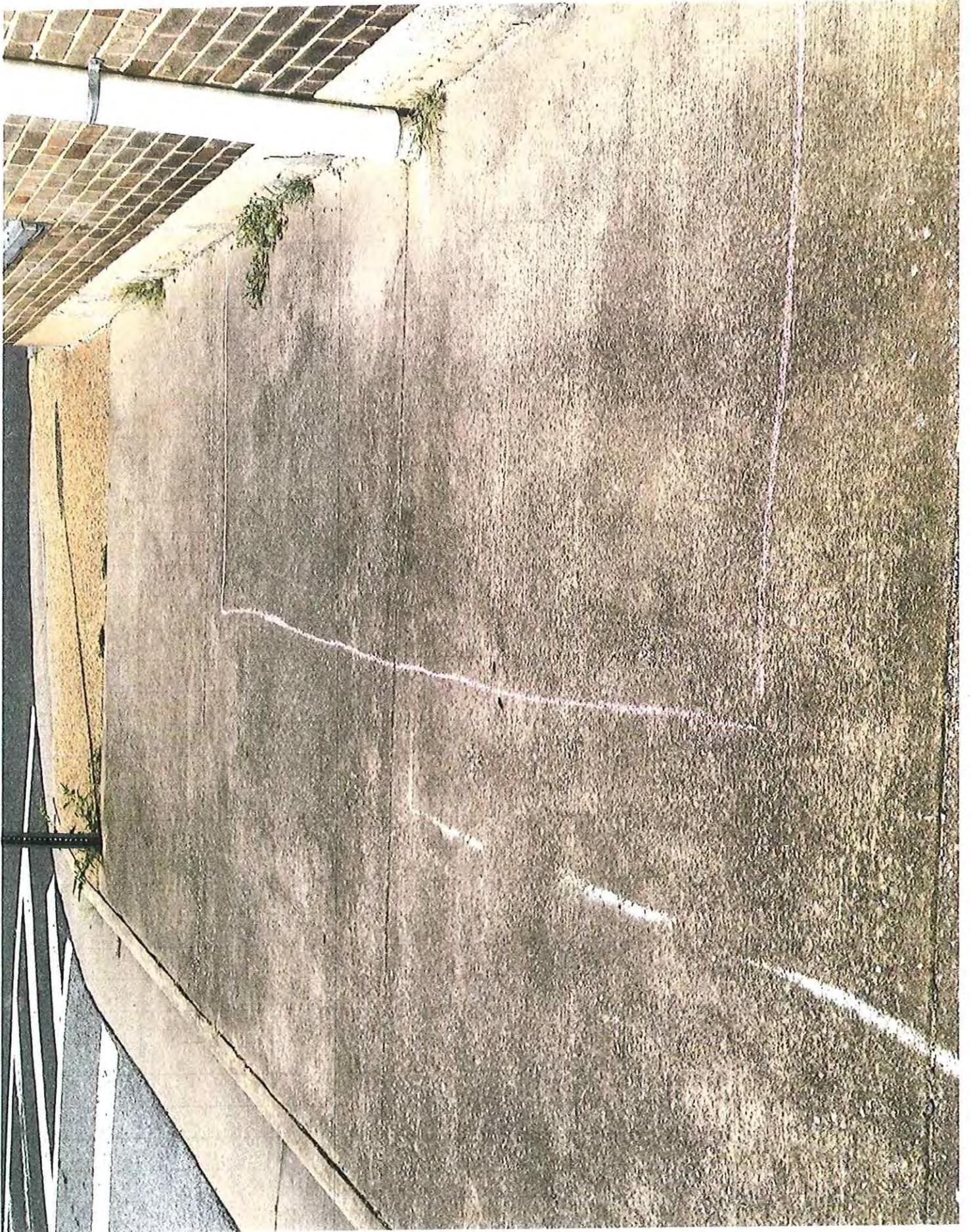
Please do not hesitate to call if I have overlooked any concern, or if we need to address any other issues. Thank you for your assistance in this matter. Hopefully we can proceed forward in a timely fashion so that the Apple House Catering can be a vibrant part of our wonderful downtown area in this beautiful spot.

Respectfully,

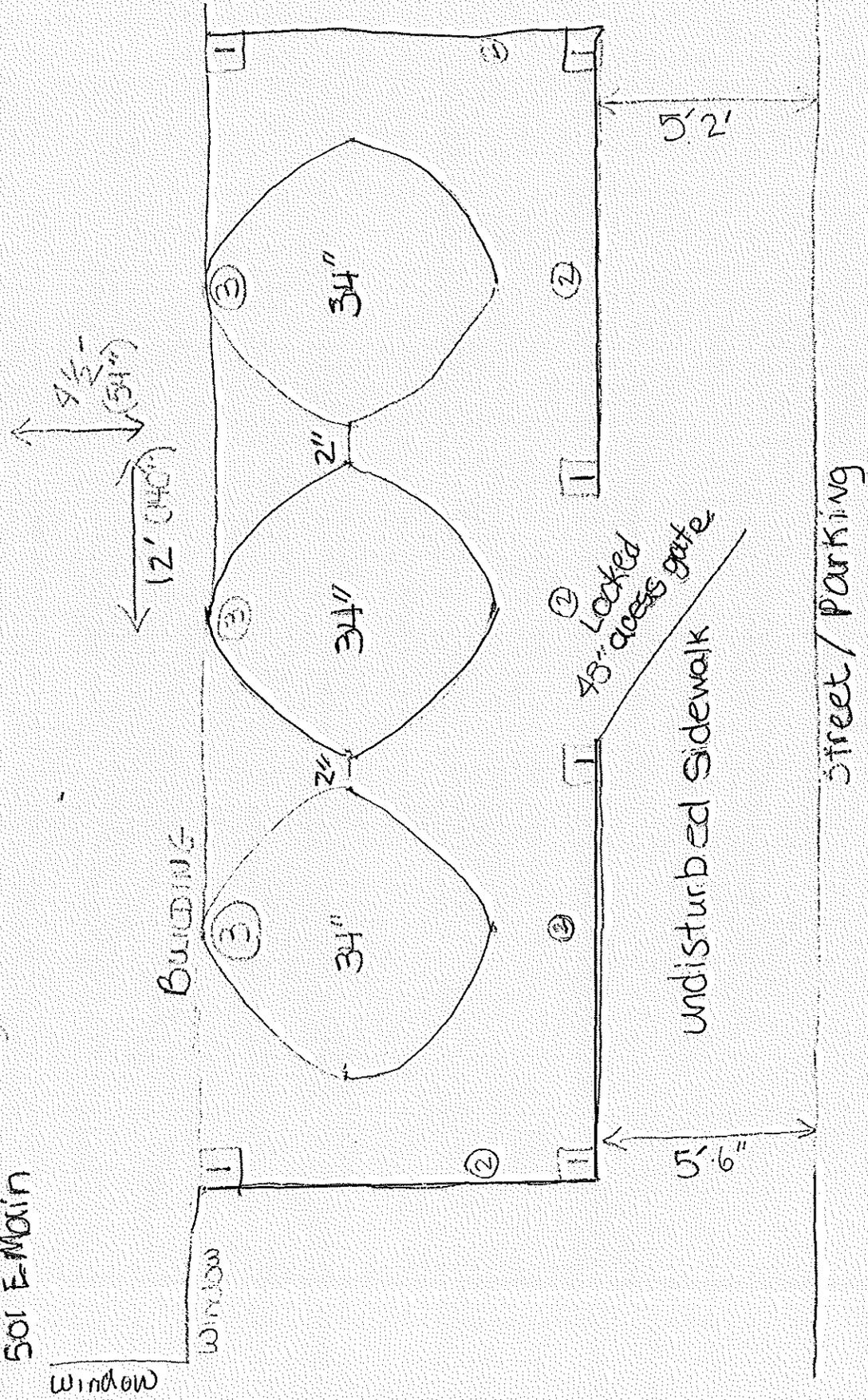


Laura Gavis





123456789
 501 E MAIN



Fencing Height
 4 1/2'
 2" off sidewalk for ventilation

- ① 4x4 posts
- ② Boundary - 4" diam.
- ③ 100 gal Above ground tank

Fencing: A Guide to the Options



4 1/2'
tall



Article from
HouseLogic

Read it

When shopping for a fence, you need to consider everything from style to function to how much maintenance it'll require.

Jeremy Camp

From: David Beahm <Dbeahm@warrencountyva.net>
Sent: Thursday, September 10, 2015 6:13 PM
To: Jeremy Camp
Subject: RE: 501 E Main Street request

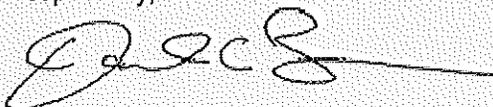
Jeremy,

What is proposed is acceptable and does not appear to have changed much from what was shown to me previously.

I would have no comments, other than it would require the appropriate permits for when the work was to be completed.

Let me know if that covers what you needed.

Respectfully,



David C. Beahm, CBO
Building Official
County of Warren
Second Vice President
Virginia Building Code Officials Association
540-636-9973
Fax 540-636-4698
dbeahm@warrencountyva.net
www.warrencountyva.net

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.

From: Jeremy Camp [mailto:jbcamp@frontroyalva.com]
Sent: Thursday, September 10, 2015 4:44 PM
To: David Beahm <Dbeahm@warrencountyva.net>
Subject: FW: 501 E Main Street request

Hello David,

Could you review proposal? It is a request by Blossman Propane Gas & Appliance for Apple House to add 3 100-gallon gas tanks in the public sidewalk. The Town is reviewing this request. It will be going to Town Council for their consideration. I would like to get your comments.

Thank you for your assistance.

Sincerely,
Jeremy

Jeremy Camp

From: Sue McIntosh
Sent: Monday, September 14, 2015 9:31 AM
To: Jeremy Camp
Subject: FW: VML Insurance Programs - Question/Concern

Jeremy,
Below is VML's response to the gas tanks for the Deli request.

Sue

Sue McIntosh

Town of Front Royal, VA
Risk Management/Human Resources
Office: 540-631-2736
Fax: 540-631-9006
[*smcintosh@frontroyalva.com*](mailto:smcintosh@frontroyalva.com)

From: Karen Nuckols [mailto:knuckols@vmlins.org]
Sent: Monday, September 14, 2015 9:26 AM
To: Sue McIntosh <smcintosh@frontroyalva.com>
Subject: VML Insurance Programs - Question/Concern

Hi Sue,
I would recommend you request insurance coverage from the owner and the hold harmless agreement.
Whatever the Town decides to do with, allowing or not, the zoning for the gas tanks, it needs to be consistent with what has done been in the past and will do in the future.
You will want to avoid issues in the future with other request of the same nature.
Please let me know if you have any questions. Thank you.

Karen Nuckols , ARM
Sr. Underwriter
VML Insurance Programs
(800) 963-6800 (Toll Free)
804-237-7321 (Direct)
804-968-4662 (Fax)
www.vmlins.org

From: Sue McIntosh [mailto:smcintosh@frontroyalva.com]
Sent: Friday, September 11, 2015 8:53 AM
To: Karen Nuckols
Subject: Question/Concern

Hi Karen,

Question, Our Planning & Zoning Office has received a request to have 3-100 gal. gas tanks placed on public sidewalk beside a building that will become a Deli. Attached is the request and how the gas Co. will approach this. Our questions is, should we require insurance coverage from owner, a "hold harmless agreement"..... ???

Thanks,
Sue

Sue McIntosh

Town of Front Royal, VA

Risk Management/Human Resources

Office: 540-631-2736

Fax: 540-631-9006

smcintosh@frontroyalva.com

Jeremy Camp

From: Jeremy Camp
Sent: Thursday, September 10, 2015 4:52 PM
To: 'Gerry Maiatico'
Subject: FW: 501 E Main Street request
Attachments: image2015-09-04-082506.pdf

Gerry,

Could you review the attached request from Laura Gavis (Blossman Propane) for Apple House? Apple House is looking to move their restaurant to a bigger venue at 501 E Main Street. They have requested to place 3 100-gallon gas tanks in the public right-of-way. This is requested because they have very few options with no land. I am also forwarding this to David Beahm for his comments regarding the building code. If you have any specific concerns or recommendations regarding fire safety, or anything else, your comment would be appreciated.

Thanks,
Jeremy

THE TOWN OF FRONT ROYAL
P.O. Box 1560
Town Administration Building
102 East Main Street
Front Royal, Virginia 22630-1560
(540) 631-2787 (Direct Line)
(540) 635-4236 (Office)
(540) 631-2727 (Fax)
jcamp@frontroyalva.com (email)
www.frontroyalva.com (website)

Disclaimers: The information contained in this communication may be otherwise privileged, confidential, and/or protected from disclosure. If the reader of this communication is not the intended recipient, or any employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Unless expressly stated otherwise, the information within this communication is not intended to represent a zoning determination. Furthermore, any zoning information provided within this communication is based on existing laws that are subject to change by Town Council. Thank you.

-----Original Message-----

From: Laura Gavis [mailto:lgavis@blossmangas.com]
Sent: Sunday, September 6, 2015 5:58 PM
To: Jeremy Camp <jcamp@frontroyalva.com>
Subject: FW: 501 E Main Street request

Laura Gavis
Cell 540-431-9443

We have a great promo right now for an installed Rinnai \$29.95/60 months interest free "Thank you for Becoming Part of Our Blossman Family!"

From: Laura Gavis
Sent: Friday, September 04, 2015 9:25 AM
To: jcamp@frontroyal.com
Cc: dbeahm@warrencountyva.net; applehousecatering@hotmail.com
Subject: 501 E Main Street request

Good Morning Mr. Camp,

Attached please find our letter, and pictures requesting that we can put 3-100 gallon tanks on the sidewalk beside the 501 E Main Street building.

If you have any questions, please feel free to call me.

Your assistance in this matter is greatly appreciated.

With regards,

Laura Gavis

107 W. Main Street
Berryville, VA 22611

540-955-4677

Cell number 540-431-9443

"Thank you for being part of our Blossman Family!"

14



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 14

Meeting Date: June 27, 2016

Agenda Item: COUNCIL APPROVAL – Annual Appropriation Ordinance (2nd Reading)

Summary: Council is requested to adopt on its second and final reading the adoption of the Town’s Annual Appropriation Ordinances for FY2016-2017 Budget effective July 1, 2016 through June 30, 2017, as presented and amended at the June 13, 2016 meeting. The Proposed FY2016-2017 Budget was amended by a 5-1 vote at the June 13, 2016 meeting with the following amendments:

- 1) Reduce 4500-47001 [Highway Maintenance-Machinery & Equipment] by \$25,000 to remove acquisition of the mill head
- 2) Change the \$1.00 per hour Cost of Living Adjustment (COLA) to a one-time \$2,000 bonus to be paid in December 2016.
- 3) Remove \$24,000 from 1204-47005 [IT-Vehicle] for a new vehicle for the IT Department with remaining \$1,000 to be used to improve a vehicle from the fleet removed from Town Service to be used by the department and transfer \$24,000 to 1202-43002 for the purpose of hiring a consultant to conduct a salary study for the Town of Front Royal
- 4) Remove \$10,800 from 1102-41003 for reclassification of Clerk of Council to full-time
- 5) Remove \$82,500 from line item 3121211 [PILOT-Warren County funding from Corridor Meal/Lodging Tax Agreement] to 1101-41001 [Community Development Director Salary] \$60,000; 1101-45410 [furniture] \$2,500; 1101-43002 [Community Development Director Reserve Account] \$20,000
- 6) Remove \$7,000 from 2201-41001 salary adjustment for the Assistant Town Attorney, \$1,500 from 2201-41001 salary adjustment for the Legal Assistant and \$2,500 from 1204-41001 salary adjustment for the IT Director

Budget/Funding: None

Attachments: Proposed Ordinance and FY16-17 Budget Amendments

Meetings: Work Sessions held March 21, April 4, April 18 and May 2, 2016. Public Hearing held May 23, 2016. First reading held June 13, 2016.

Staff

Recommendation: Approval X Denial

Proposed Motion: I move that Council adopt on its second and final reading the Annual Appropriation Ordinance for the FY2016-2017 Budget effective July 1, 2016 through June 30, 2017, as presented and amended at the June 13, 2016 meeting.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB



Town of Front Royal, Virginia



ANNUAL APPROPRIATION ORDINANCE

AN ORDINANCE ESTABLISHING THE BUDGET FOR THE TOWN OF FRONT ROYAL, VIRGINIA FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 APPROPRIATING FUNDS FOR PUBLIC PURPOSES FOR SUCH FISCAL YEAR; CONFIRMING AND CONTINUING ALL ORDINANCES OF THE TOWN OF FRONT ROYAL, VIRGINIA RELATING TO TAXES, LICENSES, FEES, SERVICE CHARGES, COSTS AND OTHER CHARGES AND ALL ORDINANCES RELATING TO THE TIME OF PAYMENT THEREOF AND COLLECTION THEREOF, EXCEPT AS HEREIN SPECIFICALLY MODIFIED

BE IT ORDAINED by the Council of the Town of Front Royal, Virginia as follows:

BUDGET EXPENDITURES

The following budget incorporated by reference, totaling **\$45,782,442** for the Town of Front Royal, Virginia for the fiscal year beginning July 1, 2016 and ending June 30, 2017 is hereby proposed, proposed, and adopted:

(See Attached BUDGET SUMMARY and Town Manager’s FY2016-2017 Budget for details, incorporated by reference)

BUDGET REVENUES

Public revenues of the Town of Front Royal, Virginia are hereby appropriated for public purposes for the fiscal year beginning July 1, 2016 and ending June 30, 2017, as set forth in the appropriate Section of such budget.

TAX RATES

The tax rate for all real estate and for all real property and improvements located within the Town of Front Royal subject to tax established by Town Council in Town Code Chapter 75-44.

PERSONAL PROPERTY TAX RELIEF & PRORATION

When any motor vehicle, trailer, or boat is sold and removed from the Town limits after January 1, the tax shall be relieved through proration on a monthly basis, and the appropriate amount of tax refunded if such tax has already been paid, upon application by the owner to the Commission of the Revenue and notice has been provided to the Commonwealth of Virginia Department of Motor Vehicles; however, no refund shall be made if the motor vehicle, trailer, or boat is moved within the Commonwealth to a non-prorating locality. Requests for relief refunds must be made no later than three (3) years from the last day of the tax year during which the motor vehicle, trailer, or boat was sold, had its title transferred, or was removed from the Town limits. No refund of less than five dollars (\$5.00) shall be issued. If a motor vehicle, trailer, or boat is acquired or moved into the Town limits after January 1, the tax shall be assessed for the remainder of the tax year. Such tax

shall be prorated on a monthly basis. For purposes of proration, a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted. All requests for relief or proration shall be filed in compliance with the Warren County Code.

RATES & FEES

The licenses, fees, services charges, costs, and other charges established by Town Council in the Town Code and as identified in the budget to generate the revenues for the Town are hereby confirmed and appropriated for public purposes.

AUTHORIZATION

The Town Manager is hereby authorized to pursue revenue collection and expenditure of public funds in pursuit of fulfilling the budget as conforming to the adopted Town Council Fiscal Policies and Procurement Manual. The Town Manager is further authorized to withhold or postpone the expenditure of any funds appropriated by and in this Ordinance when it appears to the Town Manager that it would be in the best interest of the Town for such expenditure to be withheld; but, this provision shall not in any way limit or restrict the right of the Council of the Town of Front Royal, Virginia, in its sole discretion to the fullest extent permitted by law, to direct immediate disbursement of any appropriated funds when the Council of the Town of Front Royal, Virginia, is of the opinion that the funds should be expended regardless of the position or action of the Town Manager. The Town Manager is authorized to transfer monies between line items and categories within the budgeted appropriations.

CONFLICT

Any Ordinance in conflict with this Ordinance is hereby repealed to the extent and only to the extent that such conflict exists. However, all Ordinances not in conflict with this Ordinance shall continue in effect, including specifically all Ordinances of the Town of Front Royal, Virginia relating to taxes, licenses, fees, service charges, costs and payment, and collection thereof continuing in effect except as herein specifically modified.

CONTINUITY

If any part of this Ordinance is found to be invalid by competent authority, the remaining portions of this Ordinance shall continue in effect to the fullest extent permitted by law.

EFFECTIVE DATE

This Ordinance shall become effective July 1, 2016.

Adopted this ____th day of June, 2016

APPROVED:

Timothy W. Darr, Mayor

Attest:

Jennifer E. Berry, CMC, Clerk of Council

THIS ANNUAL APPROPRIATION ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council on _____ 2016, upon the following recorded vote:

Hollis L. Tharpe	Yes/No	Bret W. Hrbek	Yes/No
Eugene R. Tewalt	Yes/No	John P. Connolly	Yes/No
Bébhinn C. Egger	Yes/No	Jacob L. Meza	Yes/No

Approved as to Form and Legality:

Douglas W. Napier, Esq., Town Attorney

Date: _____

The above Ordinance was published in the *Northern Virginia Daily* on _____ with approval on the first reading at a regular meeting of the Town Council held on _____, and to be formally approved on the second and final reading at the regular meeting of the Town Council on _____.

**TOWN OF FRONT ROYAL, VIRGINIA
BUDGET SUMMARY FOR FISCAL YEAR ENDING JUNE 30, 2017**

GENERAL FUND EXPENDITURES

General Government	\$1,041,015
Financial Administration	\$794,000
Legal Services	\$374,630
Public Safety	\$4,874,045
General Property Maintenance	\$1,202,940
Planning & Zoning Administration - Including Boards & Commissions	\$421,455
Risk Management & Insurances	\$877,095
Economic Development	\$8,600
Information Technology	\$694,155
Transfers & Contingency Reserves	\$622,345
TOTAL GENERAL FUND EXPENDITURES	\$10,910,280

STREET FUND EXPENDITURES

Environmental Services & Inspections	\$274,985
State Highway Maintenance System	\$2,183,805
TOTAL STREET FUND EXPENDITURES	\$2,458,790

ECONOMIC DEVELOPMENT & DESIGNATED FUNDS EXPENDITURES

Debt Obligation - Economic Development	\$193,740
Community Development Projects	\$375,000
Asset Forfeitures - Public Safety	\$12,000
TOTAL ECONOMIC & DESIGNATED FUND EXPENDITURES	\$580,740

.....

ELECTRIC FUND EXPENDITURES

Operations	\$2,857,865
Purchase of Electricity	\$14,165,000
Transfer to General Fund and/or Contingency Fund	\$1,500,000
TOTAL ELECTRIC FUND EXPENDITURES	\$18,522,865

WATER FUND EXPENDITURES

Administration	\$133,585
Water Plant Operations	\$1,869,075

Line Maintenance Operations	\$1,228,785
Meter Reading	\$607,360
Debt Service	\$970,000
Transfer to General Fund and/or Contingency Fund	\$936,250
TOTAL WATER FUND EXPENDITURES	\$5,745,055

SEWER FUND EXPENDITURES

Administration	\$128,985
Wastewater Plant Operations	\$2,830,750
Line Maintenance Operations	\$2,335,960
Debt Service	\$257,185
Transfer to General Fund and/or Contingency Fund	\$951,250
TOTAL SEWER FUND EXPENDITURES	\$6,504,130

SOLID WASTE FUND EXPENDITURES

Operations	\$1,025,582
Transfer to General Fund and/or Contingency Fund	\$35,000
TOTAL SOLID WASTE FUND EXPENDITURES	\$1,060,582

TOTAL ALL FUND EXPENDITURES	\$45,782,442
------------------------------------	---------------------

GENERAL FUND REVENUE

Real Estate Property Tax (\$0.0725 per \$100 assessed valuation)	\$980,000
Public Service Property Tax & Tax Penalties	\$53,230
Personal Property Tax (\$0.64 per \$100 assessed valuation)	\$587,000
Other Local Taxes	\$4,760,500
Permits & Fees	\$28,000
Fines & Forfeitures	\$200,000
Use of Money & Property	\$65,250
Public Right-of-Ways Use Fees	\$5,000
Intergovernmental	\$625,415
Interfund Transfers	
Electric Fund	\$1,500,000
Water Fund	\$936,250

Sewer Fund	\$951,250
Solid Waste Fund	\$35,000
Miscellaneous Receipts	\$86,830
TOTAL GENERAL FUND REVENUE	\$10,813,725

STREET FUND REVENUE

State Highway Maintenance Funds	\$2,179,905
Use of Money & Property	\$20,000
Street, Curb, & Gutter Assessments	\$2,000
Transfer from General Fund	\$353,440
TOTAL STREET FUND REVENUE	\$2,555,345

ECONOMIC DEVELOPMENT & DESIGNATED FUNDS REVENUE

Real Estate Property Tax (\$0.0175 per \$100 assessed valuation) - Economic Development	\$193,740
Asset Forfeiture & Grant Funding	\$12,000
Real Estate Property Tax (\$0.04 per \$100 assessed valuation) - Community Development	\$375,000
TOTAL ECONOMIC & DESIGNATED FUNDS REVENUE	\$580,740

ELECTRIC FUND REVENUE

Use of Money & Property	\$57,500
Connection Fees	\$100,000
Internal Loan	\$150,000
Sale of Services	\$18,201,400
Miscellaneous Receipts	\$13,965
TOTAL ELECTRIC FUND REVENUE	\$18,522,865

WATER FUND REVENUE

Use of Money & Property	\$35,000
Antenna Rentals	\$80,000
Sale of Services	\$5,550,555
Connection Fees	\$75,000
Miscellaneous Receipts	\$4,500
TOTAL WATER FUND REVENUE	\$5,745,055

SEWER FUND REVENUE

Use of Money & Property	\$35,000
Sale of Services	\$6,324,630

Connection Fees	\$140,000
Miscellaneous Receipts	\$4,500
TOTAL SEWER FUND REVENUE	\$6,504,130

SOLID WASTE FUND REVENUE

Use of Money & Property	\$16,000
Sale of Services	\$1,040,582
Miscellaneous Receipts	\$4,000
TOTAL SOLID WASTE FUND REVENUE	\$1,060,582

TOTAL ALL FUND REVENUES	\$45,782,442
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RATES & FEES IN SUPPORT OF THE FY 16-17 BUDGET

REAL ESTATE PROPERTY TAX	\$0.13 per \$100
PERSONAL PROPERTY TAX	\$0.64 per \$100
MEAL TAX	4%
LODGING TAX	6%
AUTOMOBILE LICENSE FEE	\$25.00
RES ELEC FACILITY CHARGE	\$6.24
RES ELEC USAGE RATE	\$0.8490 per kWh
WATER BASE RATE (3,000 GAL)	\$9.92
WATER ADDL 1,000 GAL RATE	\$8.51
SEWER BASE RATE (3,000 GAL)	\$16.17
SEWER ADDL 1,000 GAL RATE	\$13.91
SOLID WASTE RES 32 GAL CAN	\$12.00 per month
SOLID WASTE RES 96 GAL CAN	\$14.10 per month
SOLID WASTE RES PRIV ENTRY	\$5.00 per month
SOLID WASTE COMM 96 GAL CAN	\$26.00 per month
SOLID WASTE DUMPSTER (1x week)	\$215.00 per month
SOLID WASTE DUMPSTER (2x week)	\$300.00 per month
SW COMM DUMPSTER TIP FEE	\$58.00 per haul

Town of Front Royal, Virginia FY16-17 Budget Amendments

Corridor Funding

I move to remove \$82,500 from Line Item 3121211- PILOT - Warren County, funding from the Corridor Meals and Lodging Tax Agreement, from the revenue funding the Community Development Director salary and furniture and the SBDC Contract. I further move to fund \$60,000 for 1101-41001 - Community Development Director salary; \$2,500 for 1101-45410 - Furniture; and \$20,000 for 1101-43002 - Community Development Contract from the Community Development Reserve Account 1101-R43002.

Clerk of Council

I move to remove \$10,800 from Line Item 1102-41003 for the reclassification of the Clerk of Council to full-time.

Information Technology

I move to remove \$2,500 from Line Item 1204-41001 for the salary adjustment for the IT Director

I move to remove \$24,000 from Line Item 1204-47005 for the acquisition of a new vehicle for the IT Department. The remaining \$1,000 will be used to improve a vehicle from the fleet removed from Town service to be used by the Department.

I further move to transfer the \$24,000 from Line Item 1204-47005 to 1202-43002 for the purpose of hiring a consultant to conduct a salary study for the Town.

Town Attorney

I move to remove \$4,000 from 2201-41001 for the salary adjustment for the Town Attorney.

I move to remove \$7,000 from 2201-41001 for the salary adjustment for the Assistant Town Attorney.

I move to remove \$1,500 from 2201-41001 for the salary adjustment for the Legal Assistant.

Police Department

I move to reduce 3102-41002 by \$23,400 to \$225,000 for the Patrol Division Overtime budget.

Environmental Services

I move to reduce 9602-47001 by \$55,000 and 9802-47001 by \$55,000 to remove acquisition of the mini excavator for the Water & Sewer Maintenance Division.

The advertised budget for Solid Waste removed the \$37,000 for the rates study and does not require further action from Town Council.

I move to reduce 4500-47001 by \$25,000 to \$13,600 to remove acquisition of the mill head which was acquired during the FY15-16 Budget.

Miscellaneous

I move to change the \$1.00 per hour Cost of Living Adjustment to a one-time \$2,000 bonus to be paid in December.

